

REPRINTED

SENATE FILE 2035
BY KIBBIE

Passed Senate, ^(A 339) Date 2/15/96 Passed House, ^(P 917) Date 3-21-96
Vote: Ayes 47 Nays 0 Vote: Ayes 94 Nays 1
Approved April 2, 1996

A BILL FOR

1 An Act relating to the control and eradication of ecologically
2 harmful exotic species and Eurasian milfoil and establishing a
3 penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2035

S-5051

1 Amend Senate File 2035 as follows:
2 1. Page 3, by striking lines 3 and 4 and
3 inserting the following: "water be posted as
4 infested. The department may prohibit boating,
5 fishing, swimming, and trapping in infested bodies of
6 water."

By COMMITTEE ON NATURAL RESOURCES,
ENVIRONMENT, AND ENERGY
WILLIAM FINK, Chairperson

2/15/96 Adapted (A 339)

S-5051 FILED FEBRUARY 8, 1996

S.F. 2035

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BY KIBBIE

Passed Senate, Date 2/15/96 (R 339) Passed House, Date 3-21-96 (P 917)
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1 Amend Senate File 2035 as follows:
2 1. Page 3, by striking lines 3 and 4 and
3 inserting the following: "water be posted as
4 infested. The department may prohibit boating,
5 fishing, swimming, and trapping in infested bodies of
6 water."

By COMMITTEE ON NATURAL RESOURCES,
ENVIRONMENT, AND ENERGY
WILLIAM FINK, Chairperson

2/15/96 Adopted (R 339)

S-5051 FILED FEBRUARY 8, 1996

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REPRINTED

1 Section 1. NEW SECTION. 456A.37 ECOLOGICALLY HARMFUL
2 EXOTIC SPECIES AND EURASIAN WATER MILFOIL.

3 1. DEFINITIONS. As used in this section:

4 a. "Ecologically harmful exotic species" means a
5 nonindigenous aquatic plant or wild animal that can
6 naturalize, has high propagation potential, and causes or may
7 cause displacement of, or otherwise threaten, native plants or
8 native animals in their natural communities.

9 b. "Infestation of Eurasian water milfoil" means an
10 infestation of Eurasian water milfoil that occupies more than
11 twenty percent of the littoral area of a body of water.

12 c. "Watercraft" means any vessel which through the
13 buoyance of water floats upon the water and is capable of
14 carrying one or more persons.

15 2. ECOLOGICALLY HARMFUL EXOTIC SPECIES MANAGEMENT PLAN.

16 Before January 1, 1998, the commission shall prepare a long-
17 term statewide ecologically harmful exotic species management
18 plan. The plan shall address all of the following:

19 a. The detection and prevention of accidental
20 introductions into the state of ecologically harmful exotic
21 species.

22 b. A public awareness campaign regarding ecologically
23 harmful exotic species.

24 c. A process to designate and classify ecologically
25 harmful exotic species into the following categories:

26 (1) Undesirable nonindigenous wild animals.

27 (2) Undesirable nonindigenous aquatic plants.

28 d. The control and eradication of ecologically harmful
29 exotic species on public lands and public waters.

30 e. The development of a plan of containment strategies
31 that at a minimum shall include all of the following:

32 (1) The participation by lake associations, local citizens
33 groups, and local units of government in the development and
34 implementation of lake management plans where ecologically
35 harmful exotic species exist.

1 (2) Allowing public water access points infested with
2 ecologically harmful exotic species to be closed.

3 (3) Notice to travelers of the penalties for violation of
4 laws relating to ecologically harmful exotic species.

5 3. ECOLOGICALLY HARMFUL EXOTIC SPECIES REPORT. The
6 commission shall submit annually before January 1, a report on
7 ecologically harmful exotic species to the committees of the
8 general assembly which have jurisdiction over natural resource
9 issues. The report shall include all of the following:

10 a. Detailed information about ecologically harmful exotic
11 species pertaining to expenditures for administration,
12 education, eradication, inspections, and research conducted by
13 the department.

14 b. Information on the participation of other state
15 agencies, local governmental units, and interest groups in
16 control efforts regarding ecologically harmful exotic species.

17 c. Information by species on the progress made in
18 controlling or eradicating ecologically harmful exotic
19 species.

20 d. An estimate of future management needs relating to the
21 control and eradication of ecologically harmful exotic
22 species.

23 4. PROGRAMS AND GRANTS.

24 a. The commission shall establish a statewide program to
25 attempt to prevent and curb the spread of ecologically harmful
26 exotic species.

27 b. The director of the department of natural resources
28 shall accept gifts, donations, and grants to aid in
29 accomplishing the control and eradication of ecologically
30 harmful exotic species.

31 5. RULEMAKING. The commission shall adopt rules pursuant
32 to chapter 17A. The rules shall:

33 a. Restrict the introduction, propagation, use,
34 possession, and spread of ecologically harmful exotic species
35 in the state.

1 b. Identify bodies of water with infestation of Eurasian
2 water milfoil. The department shall require that bodies of
3 water be posted as infested. Boating, fishing, swimming, and
4 trapping in infested bodies of water are prohibited.

5 6. PROHIBITIONS.

6 a. A person shall not do any of the following:

7 (1) Transport ecologically harmful exotic species on a
8 public road.

9 (2) Place a trailer or launch a watercraft with
10 ecologically harmful exotic species attached in public waters.

11 (3) Operate a watercraft in a marked Eurasian water
12 milfoil infestation area.

13 b. The penalty for violating this subsection is contained
14 in section 805.8, subsection 5B.

15 Sec. 2. Section 805.8, Code Supplement 1995, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 5B. ECOLOGICALLY HARMFUL EXOTIC SPECIES
18 AND EURASIAN MILFOIL. For violations of section 456A.37,
19 subsection 6, the scheduled fine is one hundred dollars.

20 EXPLANATION

21 This bill requires the natural resource commission of the
22 department of natural resources to prepare a long-term
23 statewide ecologically harmful exotic species management plan
24 before January 1, 1998. The plan shall address ecologically
25 harmful exotic species through requirements related to
26 accidental introductions, the dissemination of information,
27 public awareness, designation, classification, control, and
28 eradication.

29 The bill requires the natural resource commission to submit
30 annually before January 1, a report on ecologically harmful
31 exotic species to the committees of the general assembly which
32 have jurisdiction over natural resource issues. The report
33 shall include information about ecologically harmful exotic
34 species pertaining to expenditures, the participation of other
35 interested persons in the control of ecologically harmful

1 exotic species, information by species on the progress made in
2 eradicating ecologically harmful exotic species, and an
3 estimate of future management needs relating to the control
4 and eradication of ecologically harmful exotic species.

5 The bill requires the natural resource commission to
6 establish a statewide program to prevent and curb the spread
7 of ecologically harmful exotic species. The bill authorizes
8 the director of the department of natural resources to accept
9 gifts, donations, and grants to aid in accomplishing the
10 control and eradication of ecologically harmful exotic
11 species.

12 The bill authorizes the natural resource commission to
13 adopt rules pursuant to chapter 17A relating to ecologically
14 harmful exotic species and infestations of Eurasian water
15 milfoil. Bodies of water containing an infestation of
16 Eurasian water milfoil are required to be posted, and boating,
17 fishing, swimming, and trapping in infested areas are
18 prohibited.

19 The bill provides that a person shall not transport
20 ecologically harmful exotic species, place a trailer or launch
21 a watercraft with ecologically harmful exotic species
22 attached, operate a watercraft in a marked Eurasian water
23 milfoil infestation area.

24 The bill creates a scheduled fine of \$100 for violations of
25 section 456A.37, subsection 6, pertaining to ecologically
26 harmful exotic species and Eurasian water milfoil.

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SENATE FILE 2035
FISCAL NOTE

The estimate for Senate File 2035 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2035 requires the Natural Resources Commission to prepare a report and adopt rules regarding the eradication and control of ecologically harmful exotic species and Eurasian milfoil in the State of Iowa.

CORRECTIONAL IMPACT

No correctional impact is anticipated by this Bill.

FISCAL IMPACT

The Department of Natural Resources estimates the cost of the statewide plan, in addition to the creation and running of a control and eradication program, would be approximately \$125,000 per year including the addition of 1.00 FTE position.

SOURCES

Criminal and Juvenile Justice Planning Division,
Department of Human Rights
Department of Corrections
Department of Natural Resources

(LSB 3176SS, DHK)

FILED FEBRUARY 13, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

H-3/14/96 Amend/Do Pass
w/H. 5402

SENATE FILE 2035
BY KIBBIE

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 15, 1996)

_____ - New Language by the Senate

Passed Senate, Date ^(P.1065) 3/26/96 Passed House, Date ^(P.917) 3-21-96
Vote: Ayes 49 Nays 0 Vote: Ayes 94 Nays 1
Approved April 2, 1996

A BILL FOR

1 An Act relating to the control and eradication of ecologically
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S.F. 2035

1 Section 1. NEW SECTION. 456A.37 ECOLOGICALLY HARMFUL
2 EXOTIC SPECIES AND EURASIAN WATER MILFOIL.

3 1. DEFINITIONS. As used in this section:

4 a. "Ecologically harmful exotic species" means a
5 nonindigenous aquatic plant or wild animal that can
6 naturalize, has high propagation potential, and causes or may
7 cause displacement of, or otherwise threaten, native plants or
8 native animals in their natural communities.

9 b. "Infestation of Eurasian water milfoil" means an
10 infestation of Eurasian water milfoil that occupies more than
11 twenty percent of the littoral area of a body of water.

12 c. "Watercraft" means any vessel which through the
13 buoyance of water floats upon the water and is capable of
14 carrying one or more persons.

15 2. ECOLOGICALLY HARMFUL EXOTIC SPECIES MANAGEMENT PLAN.
16 Before January 1, 1998, the commission shall prepare a long-
17 term statewide ecologically harmful exotic species management
18 plan. The plan shall address all of the following:

19 a. The detection and prevention of accidental
20 introductions into the state of ecologically harmful exotic
21 species.

22 b. A public awareness campaign regarding ecologically
23 harmful exotic species.

24 c. A process to designate and classify ecologically
25 harmful exotic species into the following categories:

26 (1) Undesirable nonindigenous wild animals.

27 (2) Undesirable nonindigenous aquatic plants.

28 d. The control and eradication of ecologically harmful
29 exotic species on public lands and public waters.

30 e. The development of a plan of containment strategies
31 that at a minimum shall include all of the following:

32 (1) The participation by lake associations, local citizens
33 groups, and local units of government in the development and
34 implementation of lake management plans where ecologically
35 harmful exotic species exist.

1 (2) Allowing public water access points infested with
2 ecologically harmful exotic species to be closed.

3 (3) Notice to travelers of the penalties for violation of
4 laws relating to ecologically harmful exotic species.

5 3. ECOLOGICALLY HARMFUL EXOTIC SPECIES REPORT. The
6 commission shall submit annually before January 1, a report on
7 ecologically harmful exotic species to the committees of the
8 general assembly which have jurisdiction over natural resource
9 issues. The report shall include all of the following:

10 a. Detailed information about ecologically harmful exotic
11 species pertaining to expenditures for administration,
12 education, eradication, inspections, and research conducted by
13 the department.

14 b. Information on the participation of other state
15 agencies, local governmental units, and interest groups in
16 control efforts regarding ecologically harmful exotic species.

17 c. Information by species on the progress made in
18 controlling or eradicating ecologically harmful exotic
19 species.

20 d. An estimate of future management needs relating to the
21 control and eradication of ecologically harmful exotic
22 species.

23 4. PROGRAMS AND GRANTS.

24 a. The commission shall establish a statewide program to
25 attempt to prevent and curb the spread of ecologically harmful
26 exotic species.

27 b. The director of the department of natural resources
28 shall accept gifts, donations, and grants to aid in
29 accomplishing the control and eradication of ecologically
30 harmful exotic species.

31 5. RULEMAKING. The commission shall adopt rules pursuant
32 to chapter 17A. The rules shall:

33 a. Restrict the introduction, propagation, use,
34 possession, and spread of ecologically harmful exotic species
35 in the state.

1 b. Identify bodies of water with infestation of Eurasian
2 water milfoil. The department shall require that bodies of
3 water be posted as infested. The department may prohibit
4 boating, fishing, swimming, and trapping in infested bodies of
5 water.

6 6. PROHIBITIONS.

7 a. A person shall not do any of the following:

8 (1) Transport ecologically harmful exotic species on a
9 public road.

10 (2) Place a trailer or launch a watercraft with
11 ecologically harmful exotic species attached in public waters.

12 (3) Operate a watercraft in a marked Eurasian water
13 milfoil infestation area.

14 b. The penalty for violating this subsection is contained
15 in section 805.8, subsection 5B.

16 Sec. 2. Section 805.8, Code Supplement 1995, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 5B. ECOLOGICALLY HARMFUL EXOTIC SPECIES
19 AND EURASIAN MILFOIL. For violations of section 456A.37,
20 subsection 6, the scheduled fine is one hundred dollars.

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SENATE FILE 2035

H-5402

1 Amend Senate File 2035, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 456A.37 EURASIAN WATER
6 MILFOIL.
7 1. DEFINITIONS. As used in this section:
8 a. "Infestation of Eurasian water milfoil" means
9 an infestation of Eurasian water milfoil that occupies
10 more than twenty percent of the littoral area of a
11 body of water.
12 b. "Watercraft" means any vessel which through the
13 buoyance of water floats upon the water and is capable
14 of carrying one or more persons.
15 2. EURASIAN WATER MILFOIL MANAGEMENT PLAN. Before
16 January 1, 1998, the commission shall prepare a long-
17 term statewide Eurasian water milfoil management plan.
18 The plan shall address all of the following:
19 a. The detection and prevention of accidental
20 introductions into the state of Eurasian water
21 milfoil.
22 b. A public awareness campaign regarding Eurasian
23 water milfoil.
24 c. The control and eradication of Eurasian water
25 milfoil in public waters.
26 d. The development of a plan of containment
27 strategies that at a minimum shall include all of the
28 following:
29 (1) The participation by lake associations, local
30 citizens groups, and local units of government in the
31 development and implementation of lake management
32 plans where Eurasian water milfoil exists.
33 (2) Notice to travelers of the penalties for
34 violation of laws relating to Eurasian water milfoil.
35 3. GRANTS. The director of the department of
36 natural resources shall accept gifts, donations, and
37 grants to aid in accomplishing the control and
38 eradication of Eurasian water milfoil.
39 4. RULEMAKING. The commission shall adopt rules
40 pursuant to chapter 17A. The rules shall:
41 a. Restrict the introduction, propagation, use,
42 possession, and spread of Eurasian water milfoil.
43 b. Identify bodies of water with infestation of
44 Eurasian water milfoil. The department shall require
45 that bodies of water be posted as infested. The
46 department may prohibit boating, fishing, swimming,
47 and trapping in infested bodies of water.
48 5. PROHIBITIONS.
49 a. A person shall not do any of the following:
50 (1) Transport Eurasian water milfoil on a public

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Page 2

1 road.
2 (2) Place a trailer or launch a watercraft with
3 Eurasian water milfoil attached in public waters.
4 (3) Operate a watercraft in a marked Eurasian
5 water milfoil infestation area.
6 b. The penalty for violating this subsection is
7 contained in section 805.8, subsection 5B.
8 Sec. 2. Section 805.8, Code Supplement 1995, is
9 amended by adding the following new subsection:
10 NEW SUBSECTION. 5B. EURASIAN WATER MILFOIL. For
11 violations of section 456A.37, subsection 5, the
12 scheduled fine is one hundred dollars."
13 2. Title page, by striking lines 1 and 2 and
14 inserting the following: "An Act relating to the
15 control and eradication of Eurasian water milfoil and
16 establishing a".

By COMMITTEE ON ENVIRONMENTAL
PROTECTION
GREINER of Washington, Chairperson

H-5402 FILED MARCH 14, 1996

Adopted
3-21-96
(p. 916)

HOUSE AMENDMENT TO
SENATE FILE 2035

S-5478

1 Amend Senate File 2035, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 456A.37 EURASIAN WATER
6 MILFOIL.

7 1. DEFINITIONS. As used in this section:

8 a. "Infestation of Eurasian water milfoil" means
9 an infestation of Eurasian water milfoil that occupies
10 more than twenty percent of the littoral area of a
11 body of water.

12 b. "Watercraft" means any vessel which through the
13 buoyance of water floats upon the water and is capable
14 of carrying one or more persons.

15 2. EURASIAN WATER MILFOIL MANAGEMENT PLAN. Before
16 January 1, 1998, the commission shall prepare a long-
17 term statewide Eurasian water milfoil management plan.
18 The plan shall address all of the following:

19 a. The detection and prevention of accidental
20 introductions into the state of Eurasian water
21 milfoil.

22 b. A public awareness campaign regarding Eurasian
23 water milfoil.

24 c. The control and eradication of Eurasian water
25 milfoil in public waters.

26 d. The development of a plan of containment
27 strategies that at a minimum shall include all of the
28 following:

29 (1) The participation by lake associations, local
30 citizens groups, and local units of government in the
31 development and implementation of lake management
32 plans where Eurasian water milfoil exists.

33 (2) Notice to travelers of the penalties for
34 violation of laws relating to Eurasian water milfoil.

35 3. GRANTS. The director of the department of
36 natural resources shall accept gifts, donations, and
37 grants to aid in accomplishing the control and
38 eradication of Eurasian water milfoil.

39 4. RULEMAKING. The commission shall adopt rules
40 pursuant to chapter 17A. The rules shall:

41 a. Restrict the introduction, propagation, use,
42 possession, and spread of Eurasian water milfoil.

43 b. Identify bodies of water with infestation of
44 Eurasian water milfoil. The department shall require
45 that bodies of water be posted as infested. The
46 department may prohibit boating, fishing, swimming,
47 and trapping in infested bodies of water.

48 5. PROHIBITIONS.

49 a. A person shall not do any of the following:

50 (1) Transport Eurasian water milfoil on a public

S-5478

MARCH 25, 1996

S-5478

Page 2

1. road.
- 2 (2) Place a trailer or launch a watercraft with
- 3 Eurasian water milfoil attached in public waters.
- 4 (3) Operate a watercraft in a marked Eurasian
- 5 water milfoil infestation area.
- 6 b. The penalty for violating this subsection is
- 7 contained in section 805.8, subsection 5B.
- 8 Sec. 2. Section 805.8, Code Supplement 1995, is
- 9 amended by adding the following new subsection:
- 10 NEW SUBSECTION. 5B. EURASIAN WATER MILFOIL. For
- 11 violations of section 456A.37, subsection 5, the
- 12 scheduled fine is one hundred dollars."
- 13 2. Title page, by striking lines 1 and 2 and
- 14 inserting the following: "An Act relating to the
- 15 control and eradication of Eurasian water milfoil and
- 16 establishing a".

RECEIVED FROM THE HOUSE

S-5478 FILED MARCH 21, 1996

Senate Concurred
3/26/96 (P.1065)

SENATE FILE 2035

AN ACT

RELATING TO THE CONTROL AND ERADICATION OF EURASIAN MILFOIL
AND ESTABLISHING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 456A.37 EURASIAN WATER MILFOIL.

1. DEFINITIONS. As used in this section:

a. "Infestation of Eurasian water milfoil" means an infestation of Eurasian water milfoil that occupies more than twenty percent of the littoral area of a body of water.

b. "Watercraft" means any vessel which through the buoyance of water floats upon the water and is capable of carrying one or more persons.

2. EURASIAN WATER MILFOIL MANAGEMENT PLAN. Before January 1, 1998, the commission shall prepare a long-term statewide Eurasian water milfoil management plan. The plan shall address all of the following:

a. The detection and prevention of accidental introductions into the state of Eurasian water milfoil.

b. A public awareness campaign regarding Eurasian water milfoil.

c. The control and eradication of Eurasian water milfoil in public waters.

d. The development of a plan of containment strategies that at a minimum shall include all of the following:

(1) The participation by lake associations, local citizens groups, and local units of government in the development and implementation of lake management plans where Eurasian water milfoil exists.

(2) Notice to travelers of the penalties for violation of laws relating to Eurasian water milfoil.

3. GRANTS. The director of the department of natural resources shall accept gifts, donations, and grants to aid in accomplishing the control and eradication of Eurasian water milfoil.

4. RULEMAKING. The commission shall adopt rules pursuant to chapter 17A. The rules shall:

a. Restrict the introduction, propagation, use, possession, and spread of Eurasian water milfoil.

b. Identify bodies of water with infestation of Eurasian water milfoil. The department shall require that bodies of water be posted as infested. The department may prohibit boating, fishing, swimming, and trapping in infested bodies of water.

5. PROHIBITIONS.

a. A person shall not do any of the following:

(1) Transport Eurasian water milfoil on a public road.

(2) Place a trailer or launch a watercraft with Eurasian water milfoil attached in public waters.

(3) Operate a watercraft in a marked Eurasian water milfoil infestation area.

b. The penalty for violating this subsection is contained in section 805.8, subsection 5B.

Sec. 2. Section 805.8, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5B. EURASIAN WATER MILFOIL. For violations of section 456A.37, subsection 5, the scheduled fine is one hundred dollars.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2035, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 2, 1996

TERRY E. BRANSTAD
Governor