

FEB 24 2004
Place On Calendar

HOUSE FILE 2357
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HF 618)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the prevention and control of certain aquatic
2 invasive plant and animal species and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2357

HOUSE FILE 2357

H-8238

1 Amend House File 2357 as follows:
2 1. Page 1, line 30, by striking the figure "2004"
3 and inserting the following: "2005".
By FREVERT of Palo Alto

H-8238 FILED MARCH 15, 2004

1 Section 1. Section 456A.37, Code 2003, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 456A.37 AQUATIC INVASIVE SPECIES -- PREVENTION AND CONTROL.

5 1. DEFINITIONS. As used in this section:

6 a. "Eurasian watermilfoil" means *myriophyllum spicatum*, a
7 submerged aquatic weed that invades lakes, ponds, reservoirs,
8 and other bodies of water.

9 b. "Infestation of an aquatic invasive species" means an
10 infestation of Eurasian watermilfoil that occupies more than
11 twenty percent of the littoral area of a body of water or an
12 infestation of any other species defined as an aquatic
13 invasive species in this section.

14 c. "Aquatic invasive species" means a species that is not
15 native to an ecosystem and whose introduction causes or is
16 likely to cause economic or environmental harm or harm to
17 human health including but not limited to habitat alteration
18 and degradation, and loss of biodiversity. For the purposes
19 of this section, "aquatic invasive species" are limited to
20 eurasian watermilfoil, purple loosestrife, and zebra mussels,
21 except as provided in subsection 4.

22 d. "Purple loosestrife" means *lythrum salicaria*, a wetland
23 plant that invades marshes, lakeshores, and other wetlands.

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

27 f. "Zebra mussel" means *dreissena polymorpha*, a small
28 mussel that invades lakes, rivers, and other bodies of water.

29 2. AQUATIC INVASIVE SPECIES MANAGEMENT PLAN. Before
30 January 1, 2004, the commission shall prepare a long-term
31 statewide aquatic invasive species water management plan. The
32 plan shall address all of the following:

33 a. The detection and prevention of accidental
34 introductions into the state of aquatic invasive species.

35 b. A public awareness campaign regarding aquatic invasive

1 species.

2 c. The control and eradication of aquatic invasive species
3 in public waters.

4 d. The development of a plan of containment strategies
5 that at a minimum includes all of the following:

6 (1) The participation by lake associations, local citizen
7 groups, and local units of government in the development of
8 lake management plans where aquatic invasive species exist.

9 (2) Notice to travelers of the penalties for violation of
10 laws relating to aquatic invasive species.

11 3. GRANTS. The director of the department of natural
12 resources shall accept gifts, donations, and grants to aid in
13 accomplishing the control and eradication of aquatic invasive
14 species.

15 4. RULEMAKING. The commission shall adopt rules pursuant
16 to chapter 17A for the implementation and administration of
17 this section. The rules shall do all of the following:

18 a. Restrict the introduction, propagation, use,
19 possession, and spread of aquatic invasive species.

20 b. Identify bodies of water with infestations of aquatic
21 invasive species. The department shall require that such
22 bodies of water be posted as infested. The department may
23 prohibit boating, fishing, swimming, and trapping in infested
24 bodies of water.

25 If the commission determines that an additional species
26 should be defined as an "aquatic invasive species", the
27 species may be defined by the commission by rule as an
28 "aquatic invasive species" subject to enactment of the
29 definition by the general assembly at the next regular session
30 of the general assembly. Failure of the general assembly to
31 enact the definition pursuant to this paragraph constitutes a
32 nullification of the definition effective upon adjournment of
33 that next regular session of the general assembly.

34 5. PROHIBITIONS.

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

1 (1) Transport an aquatic invasive species on a public
2 road.

3 (2) Place a trailer or launch a watercraft that contains
4 or to which an aquatic invasive species is attached in public
5 waters.

6 (3) Operate a watercraft in a marked aquatic invasive
7 species infestation area.

8 b. A person who violates this subsection is subject to a
9 scheduled fine pursuant to section 805.8B, subsection 5.

10 Sec. 2. Section 805.8B, subsection 5, Code 2003, is
11 amended to read as follows:

12 5. ~~Eurasian-water-milfoil~~ Aquatic invasive species
13 violations. For violations of section 456A.37, subsection 5,
14 the scheduled fine is one hundred dollars.

15 EXPLANATION

16 This bill relates to the prevention and control of certain
17 aquatic invasive plant and animal species in this state. The
18 bill defines an "aquatic invasive species" as a species that
19 is not native to an ecosystem and whose introduction causes or
20 is likely to cause economic or environmental harm or harm to
21 human health including but not limited to habitat alteration
22 and degradation and loss of biodiversity. For the purposes of
23 the bill, "aquatic invasive species" are limited to Eurasian
24 watermilfoil (*myriophyllum spicatum*), a submerged aquatic weed
25 that invades lakes, ponds, and reservoirs; purple loosestrife
26 (*lythrum salicaria*), a wetland plant that invades marshes,
27 lakeshores, and other wetlands; and zebra mussels (*dreissena*
28 *polymorpha*), a small mussel that invades lakes and rivers.

29 The bill requires the natural resource commission to
30 prepare a long-term statewide aquatic invasive species water
31 management plan before January 1, 2004, that addresses the
32 detection and prevention of accidental introductions into the
33 state of aquatic invasive species, a public awareness campaign
34 regarding aquatic invasive species, the control and
35 eradication of aquatic invasive species in public waters, and

1 the development of a plan of containment strategies.

2 The plan of containment strategies must include at a
3 minimum participation by lake associations, local citizen
4 groups, and local units of government in the development of
5 lake management plans where aquatic invasive species exist,
6 and notice to travelers of the penalties for violation of laws
7 relating to aquatic invasive species.

8 The bill provides that the director of the department of
9 natural resources can accept gifts, donations, and grants to
10 aid in accomplishing the control and eradication of aquatic
11 invasive species.

12 The bill provides that the commission shall adopt rules
13 pursuant to Code chapter 17A that restrict the introduction,
14 propagation, use, possession, and spread of aquatic invasive
15 species, and identify bodies of water with infestations of
16 aquatic invasive species. The bill requires that bodies of
17 water that are infested be posted as infested. The department
18 of natural resources may prohibit boating, fishing, swimming,
19 and trapping in infested bodies of water.

20 The bill provides that if the commission determines that an
21 additional species should be defined as an "aquatic invasive
22 species", the species may be so defined by rule subject to
23 enactment of the definition by the general assembly at the
24 next regular session of the general assembly. Failure of the
25 general assembly to enact such a definition constitutes a
26 nullification of the definition effective upon adjournment of
27 that next regular session of the general assembly.

28 The bill provides that a person shall not transport an
29 aquatic invasive species on a public road, place a trailer or
30 launch a watercraft that contains or to which an aquatic
31 invasive species is attached in public waters, or operate a
32 watercraft in an area that is marked as an aquatic invasive
33 species infestation area. The penalty for violating these
34 provisions is a scheduled fine of \$100.

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HOUSE FILE 2357
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HF 618)

(As Amended and Passed by the House March 17, 2004)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the prevention and control of certain aquatic
2 invasive plant and animal species and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

HF 2357

1 Section 1. Section 456A.37, Code 2003, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 456A.37 AQUATIC INVASIVE SPECIES -- PREVENTION AND CONTROL.

5 1. DEFINITIONS. As used in this section:

6 a. "Eurasian watermilfoil" means *myriophyllum spicatum*, a
7 submerged aquatic weed that invades lakes, ponds, reservoirs,
8 and other bodies of water.

9 b. "Infestation of an aquatic invasive species" means an
10 infestation of Eurasian watermilfoil that occupies more than
11 twenty percent of the littoral area of a body of water or an
12 infestation of any other species defined as an aquatic
13 invasive species in this section.

14 c. "Aquatic invasive species" means a species that is not
15 native to an ecosystem and whose introduction causes or is
16 likely to cause economic or environmental harm or harm to
17 human health including but not limited to habitat alteration
18 and degradation, and loss of biodiversity. For the purposes
19 of this section, "aquatic invasive species" are limited to
20 eurasian watermilfoil, purple loosestrife, and zebra mussels,
21 except as provided in subsection 4.

22 d. "Purple loosestrife" means *lythrum salicaria*, a wetland
23 plant that invades marshes, lakeshores, and other wetlands.

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

27 f. "Zebra mussel" means *dreissena polymorpha*, a small
28 mussel that invades lakes, rivers, and other bodies of water.

29 2. AQUATIC INVASIVE SPECIES MANAGEMENT PLAN. Before
30 January 1, 2005, the commission shall prepare a long-term
31 statewide aquatic invasive species water management plan. The
32 plan shall address all of the following:

33 a. The detection and prevention of accidental
34 introductions into the state of aquatic invasive species.

35 b. A public awareness campaign regarding aquatic invasive

1 species.

2 c. The control and eradication of aquatic invasive species
3 in public waters.

4 d. The development of a plan of containment strategies
5 that at a minimum includes all of the following:

6 (1) The participation by lake associations, local citizen
7 groups, and local units of government in the development of
8 lake management plans where aquatic invasive species exist.

9 (2) Notice to travelers of the penalties for violation of
10 laws relating to aquatic invasive species.

11 3. GRANTS. The director of the department of natural
12 resources shall accept gifts, donations, and grants to aid in
13 accomplishing the control and eradication of aquatic invasive
14 species.

15 4. RULEMAKING. The commission shall adopt rules pursuant
16 to chapter 17A for the implementation and administration of
17 this section. The rules shall do all of the following:

18 a. Restrict the introduction, propagation, use,
19 possession, and spread of aquatic invasive species.

20 b. Identify bodies of water with infestations of aquatic
21 invasive species. The department shall require that such
22 bodies of water be posted as infested. The department may
23 prohibit boating, fishing, swimming, and trapping in infested
24 bodies of water.

25 If the commission determines that an additional species
26 should be defined as an "aquatic invasive species", the
27 species may be defined by the commission by rule as an
28 "aquatic invasive species" subject to enactment of the
29 definition by the general assembly at the next regular session
30 of the general assembly. Failure of the general assembly to
31 enact the definition pursuant to this paragraph constitutes a
32 nullification of the definition effective upon adjournment of
33 that next regular session of the general assembly.

34 5. PROHIBITIONS.

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

1 (1) Transport an aquatic invasive species on a public
2 road.

3 (2) Place a trailer or launch a watercraft that contains
4 or to which an aquatic invasive species is attached in public
5 waters.

6 (3) Operate a watercraft in a marked aquatic invasive
7 species infestation area.

8 b. A person who violates this subsection is subject to a
9 scheduled fine pursuant to section 805.8B, subsection 5.

10 Sec. 2. Section 805.8B, subsection 5, Code 2003, is
11 amended to read as follows:

12 5. ~~Eurasian-water-milfoil~~ Aquatic invasive species
13 violations. For violations of section 456A.37, subsection 5,
14 the scheduled fine is one hundred dollars.

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HOUSE FILE 2357

AN ACT

RELATING TO THE PREVENTION AND CONTROL OF CERTAIN AQUATIC
INVASIVE PLANT AND ANIMAL SPECIES AND PROVIDING PENALTIES.

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

Section 1. Section 456A.37, Code 2003, is amended by striking the section and inserting in lieu thereof the following:

456A.37 AQUATIC INVASIVE SPECIES -- PREVENTION AND CONTROL.

1. DEFINITIONS. As used in this section:

a. "Eurasian watermilfoil" means *myriophyllum spicatum*, a submerged aquatic weed that invades lakes, ponds, reservoirs, and other bodies of water.

b. "Infestation of an aquatic invasive species" means an infestation of Eurasian watermilfoil that occupies more than twenty percent of the littoral area of a body of water or an infestation of any other species defined as an aquatic invasive species in this section.

c. "Aquatic invasive species" means a species that is not native to an ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health including but not limited to habitat alteration and degradation, and loss of biodiversity. For the purposes of this section, "aquatic invasive species" are limited to eurasian watermilfoil, purple loosestrife, and zebra mussels, except as provided in subsection 4.

d. "Purple loosestrife" means *lythrum salicaria*, a wetland plant that invades marshes, lakeshores, and other wetlands.

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

f. "Zebra mussel" means *dreissena polymorpha*, a small mussel that invades lakes, rivers, and other bodies of water.

2. AQUATIC INVASIVE SPECIES MANAGEMENT PLAN. Before January 1, 2005, the commission shall prepare a long-term statewide aquatic invasive species water management plan. The plan shall address all of the following:

a. The detection and prevention of accidental introductions into the state of aquatic invasive species.

b. A public awareness campaign regarding aquatic invasive species.

c. The control and eradication of aquatic invasive species in public waters.

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

(1) The participation by lake associations, local citizen groups, and local units of government in the development of lake management plans where aquatic invasive species exist.

(2) Notice to travelers of the penalties for violation of laws relating to aquatic invasive species.

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 aquatic invasive species.

4. RULEMAKING. The commission shall adopt rules pursuant to chapter 17A for the implementation and administration of this section. The rules shall do all of the following:

a. Restrict the introduction, propagation, use, possession, and spread of aquatic invasive species.

b. Identify bodies of water with infestations of aquatic invasive species. The department shall require that such bodies of water be posted as infested. The department may prohibit boating, fishing, swimming, and trapping in infested bodies of water.

If the commission determines that an additional species should be defined as an "aquatic invasive species", the species may be defined by the commission by rule as an "aquatic invasive species" subject to enactment of the definition by the general assembly at the next regular session of the general assembly. Failure of the general assembly to enact the definition pursuant to this paragraph constitutes a nullification of the definition effective upon adjournment of that next regular session of the general assembly.

5. PROHIBITIONS.

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

(1) Transport an aquatic invasive species on a public road.

(2) Place a trailer or launch a watercraft that contains or to which an aquatic invasive species is attached in public waters.

(3) Operate a watercraft in a marked aquatic invasive species infestation area.

b. A person who violates this subsection is subject to a scheduled fine pursuant to section 805.8B, subsection 5.

Sec. 2. Section 805.8B, subsection 5, Code 2003, is amended to read as follows:

5. ~~Eurasian-water-milfoil~~ Aquatic invasive species violations. For violations of section 456A.37, subsection 5, the scheduled fine is one hundred dollars.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2357, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor