

deemed of immediate importance, takes effect upon enactment and is retroactively applicable to referendums held on or after January 1, 2002.

7. The section of this Act requiring a socioeconomic study of gambling, being deemed of immediate importance, takes effect upon enactment.

8. The section of this Act establishing transition provisions concerning excursion gambling boat cruising, being deemed of immediate importance, takes effect upon enactment.

9. The section of this Act establishing a 2002-2004 racetrack enclosure gambling games tax, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 2002, and is applicable on and after that date.

10. The section of this Act establishing 2005 and 2006 rebuild Iowa infrastructure assessments, being deemed of immediate importance, takes effect upon enactment.

Approved May 6, 2004

CHAPTER 1137

INVASIVE AQUATIC PLANTS AND ANIMALS

H.F. 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, lake-shores, 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.

Approved May 6, 2004