

**CHAPTER 1198****WILDLIFE CONSERVATION LAWS AND PENALTIES***H.F. 2500*

**AN ACT** relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

**Section 1. NEW SECTION. 109.18 HUNTING ACCIDENTS – MANDATORY REPORTING.**

A person who is involved in a hunting accident with a firearm and the accident results in injury to a person or property damage exceeding one hundred dollars, shall report the accident to the sheriff's office in the county where the accident occurred or to the department within twelve hours after the accident occurred. If an injury in the accident prevents timely reporting, the report shall be made as soon as practicable. Failure to report as required in this section is a simple misdemeanor.

**Sec. 2. NEW SECTION. 109.133 SUSPENSION OF LICENSES, CERTIFICATES, AND PERMITS.**

A person who is assessed damages pursuant to section 109.130 shall immediately surrender all licenses, certificates, and permits to hunt, fish, or trap in the state to the department. The licenses, permits, and certificates, and the privileges associated with them shall remain suspended until the assessed damages and any accrued interest are paid or a payment schedule is established by the court. Upon payment of the assessed damages and any accrued interest, the suspension shall be lifted. If a payment schedule is established, the suspension shall be lifted and remain so unless the person fails to make a payment pursuant to that schedule. Failure to make a payment shall cause the suspension to be renewed.

**Sec. 3. NEW SECTION. 109.134 AUTHORITY TO SUSPEND OR REVOKE LICENSE – POINT SYSTEM.**

The department shall establish rules pursuant to chapter 17A providing for the suspension or revocation of licenses issued by the department. For purposes of determining when to suspend or revoke a license issued by the department under this section, the department shall adopt a point system pursuant to chapter 17A for the purpose of weighing the seriousness of violations of the provisions of chapter 109, 109A, 109B, 110, 110A, or 110B. The weighted scale may be amended from time to time as experience dictates.

**Sec. 4. NEW SECTION. 109.134 REPEAT OFFENDER – RECORDS, ENFORCEMENT, AND PENALTIES.**

1. The commission shall establish by rule, a recordkeeping system and other administrative procedures necessary to administer this section.

2. A person who pleads guilty or is convicted of a violation of any provision of chapter 109, 109A, 109B, 110, 110A, or 110B while the person's license or licenses are suspended or revoked is guilty of a simple misdemeanor if the person has no other violations within the previous three years which occurred while the person's license or licenses have been suspended or revoked.

3. A person who pleads guilty or is convicted of a violation of any provision of chapter 109, 109A, 109B, 110, 110A, or 110B while the person's license or licenses are suspended or revoked is guilty of a serious misdemeanor if the person has one other violation within the previous three years which occurred while the person's license or licenses have been suspended or revoked.

4. A person who pleads guilty or is convicted of a violation of any provision of chapter 109, 109A, 109B, 110, 110A, or 110B while the person's license or licenses are suspended or revoked

is guilty of an aggravated misdemeanor when the person has had two or more convictions within the previous three years which occurred while the person's license or licenses have been suspended or revoked.

Approved April 26, 1990

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## CHAPTER 1199

### WETLANDS PROTECTION, TAX EXEMPTION, AND MEDIATION

*H.F. 2407*

**AN ACT** relating to the designation, inventory, and protection of wetlands, providing for mediation, providing a civil penalty for violations, and providing a property tax exemption for wetlands.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 108.1, Code 1989, is amended by adding the following new subsections:  
NEW SUBSECTION. 4. "Wetlands" means an area of two or more acres in a natural condition that is mostly under water or waterlogged during the spring growing season and is characterized by vegetation of hydric soils.

NEW SUBSECTION. 5. "Protected wetlands" means type 3, type 4, and type 5 wetlands as described in Circular 39, Wetlands of the United States, 1971 Edition, published by the United States department of the interior. However, a protected wetland does not include land where an agricultural drainage well has been plugged causing a temporary wetland or land within a drainage district or levee district.

Sec. 2. NEW SECTION. 108.12 INVENTORY OF PROTECTED WETLANDS.

The department shall inventory the wetlands and marshes of each county and make a preliminary designation as to which constitute protected wetlands. The department shall consult with the county conservation board in making the preliminary designations. Upon completion of the inventory with preliminary designations, the department shall use an existing map or prepare a map and a list of the marshes and wetlands which are designated as protected wetlands in each county. The department shall file at least one copy of the list and map with the county conservation board and the county recorder. The department shall notify the landowners affected by the preliminary wetlands designation by certified mail. The notice shall state that any person may challenge the designation of the protected wetlands or may request the designation of additional marshes or wetlands as protected wetlands, by doing one of the following:

1. Filing a petition for a hearing with the director within sixty days following the date of notice. The petition shall state specifically the reasons for disputing the preliminary designations of the department. The hearing shall be held in the county within sixty days following the expiration of the sixty-day period for filing petitions.

2. Filing a request for mediation with the farm mediation service as provided in section 654A.16 within sixty days following the date of the notice. The department shall participate in mediation as provided in section 654A.16.

Within sixty days following the completion of the hearing, or the issuance of a mediation release in which both parties agree to the designation or no agreement is reached, the director shall issue an order designating the protected wetlands in the county. The order shall be considered a final decision of the department in a contested case for the purposes of judicial review pursuant to chapter 17A.