

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455A.5(6), 481A.39, 481A.134, 481A.135, 483A.27, 483A.27A, the Natural Resource Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 15, “General License Regulations,” Iowa Administrative Code.

The Commission is proposing to amend Chapter 15 to implement the new hunter apprentice program created by the passage of 2015 Iowa Acts, Senate File 392, (signed by Governor Branstad on April 8, 2015) and to make other minor amendments, as follows:

1. 2015 Iowa Acts, Senate File 392, established an apprentice hunting license that will be available for interested persons 16 years of age or older. This program allows an eligible person to purchase, up to two times, a hunting license without having completed the hunter education program. 2015 Iowa Acts, Senate File 392, also changed the name of the “hunter safety and ethics education program” to “hunter education program” to align with a national rebranding effort underway. This rule making proposes to adopt and implement these legislative changes (see rules 567—15.27(483A), 567—15.41(483A), and 567—15.42(483A));

2. A reference to Iowa Code chapter 456A is added to the list of chapters for which disposition reports are required (see subrule 15.16(2));

3. The definition of multiple offender included in the introductory paragraph to subrule 15.16(3) is stricken because “multiple offender” is already a defined term in subrule 15.16(1);

4. Paddlefish are added to the license conviction point list contained in subrule 15.16(3) due to the creation of a paddlefish season in Iowa Code section 483A.6A;

5. The type of broadhead for use with crossbows during the regular bow season is updated to be the same type as that required for archery equipment during the late muzzleloader deer season as found in 571—Chapter 106 (see subrule 15.22(5));

6. Subrule 15.42(2) is stricken so that the chapter accurately reflects the statutory parameters of the program as contained in Iowa Code section 483A.27(2); namely, that although individuals typically must complete the hunter education course, pass the test, and demonstrate safe handling of a firearm, demonstration of safe handling of a firearm is optional for residents 18 years of age or older; and

7. Rule 571—15.43(321G,462A,483A) is rescinded because the requirements of this rule are also found in 571—Chapter 12 and are therefore duplicative and unnecessary.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 20, 2016. Written comments may be directed to Megan Wisecup, Law Enforcement Bureau, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by e-mail at Megan.Wisecup@dnr.iowa.gov; or by fax at (515)725-8201. Persons who wish to convey their comments orally may contact Ms. Wisecup at (515)238-4968 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on April 20, 2016, from 1 to 2 p.m. in the 4E Conference Room of the Wallace State Office Building, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of those specific needs.

The proposed amendments will have a positive impact on jobs in this state. The Commission is anticipating increased license sales due to the hunter apprentice program, which will likely result in positive economic benefits to the following businesses that rely on outdoor recreation: hunting equipment retailers (weapons, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state.

These amendments are intended to implement Iowa Code chapters 456A, 481A, and 483A.

The following amendments are proposed.

ITEM 1. Amend subrule 15.16(2), introductory paragraph, as follows:

15.16(2) Record-keeping procedures. For the purpose of administering this rule, it shall be the responsibility of the clerk of district court for each county to deliver, on a weekly basis, disposition reports of each charge filed under Iowa Code chapters 456A, 481A, 481B, 482, 483A, 484A, 484B, and 716 to the department. Dispositions and orders of the court of all cases filed on the chapters listed in this subrule shall be sent to the department regardless of the jurisdiction or the department of the initiating officer.

ITEM 2. Amend subrule 15.16(3) as follows:

15.16(3) Point values assigned to convictions. ~~For the purposes of defining a multiple offender, the person shall be classified as a multiple offender when the person equals or exceeds a total of five points during a consecutive three-year period using the values attached to the following offenses. Point values for convictions shall be assessed as stated in this subrule.~~ Multiple citations and convictions of the same offense will be added as separate convictions:

a. Convictions of the following offenses shall have a point value of three ~~attached to them~~:

(1) to (10) No change.

(11) The unlawful taking of any fish, game, or fur-bearing animal ~~by illegal methods~~.

(12) to (20) No change.

(21) Violation of Iowa Code ~~section~~ sections 483A.27(7) and 483A.27A.

(22) Any violation of Iowa Code ~~Supplement~~ section 716.8 ~~as amended by 2008 Iowa Acts, House File 2612, section 21,~~ while hunting deer.

b. Convictions of the following offenses shall have a point value of two ~~attached to them~~:

(1) to (7) No change.

(8) No valid resident license relating to deer, ~~or~~ turkey, or paddlefish.

(9) to (15) No change.

(16) Attempting to unlawfully take any fish, game, or fur-bearing animals ~~by illegal methods~~.

(17) to (20) No change.

(21) Failure to tag deer, ~~or~~ turkey, or paddlefish.

(22) to (24) No change.

c. All other convictions of provisions in Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B shall have a point value of one ~~attached to them~~.

ITEM 3. Amend subrule 15.22(5) as follows:

15.22(5) Restrictions. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer or turkey. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead ~~with at least three blades~~.

ITEM 4. Adopt the following new rule 571—15.27(483A):

571—15.27(483A) Apprentice hunter designation.

15.27(1) A person who is 16 years of age or older and meets all the requirements of Iowa Code section 483A.27A may purchase, up to two times, a hunting license with an apprentice hunter designation on the license without first completing a hunter education course.

15.27(2) A hunting license with an apprentice hunter designation issued pursuant to Iowa Code section 483A.27A is valid from the date issued to January 10 of the succeeding calendar year.

ITEM 5. Amend rule 571—15.41(483A), introductory paragraph, as follows:

571—15.41(483A) Hunter safety and ethics education program. This division clarifies the term “hunting license” as used in Iowa Code section 483A.27 in relation to the hunter ~~safety and ethics~~ education course requirement, clarifies the need for exhibiting a hunter ~~safety and ethics~~ education course certificate when applying for a deer or wild turkey license, and explains the requirements for individuals who wish to demonstrate their knowledge of hunter ~~safety and ethics~~ education so as to be eligible to qualify for purchase of an Iowa hunting license. For the purpose of this division, a hunting license, pursuant to Iowa Code sections 483A.1 and 483A.24, includes:

ITEM 6. Amend rule 571—15.42(483A) as follows:

571—15.42(483A) Testing procedures.

15.42(1) General testing procedures.

a. Upon completion of the required curriculum, each person shall score a minimum of 75 percent on the written or oral test provided by the department and demonstrate safe handling of a firearm. Based on the results of the written or oral test and demonstrated firearm safe handling techniques as prescribed by the department, the volunteer instructor shall determine the persons who shall be issued a certificate of completion.

b. Notwithstanding paragraph 15.42(1)“a” above, a resident who is 18 years of age or older may obtain a certificate of completion without demonstrating the safe handling of a firearm.

~~**15.42(2) Special testing out provisions.** Any person born after January 1, 1972, who does not complete the required ten-hour hunter safety and ethics course (as described in Iowa Code section 483A.27, subsection (1)), must meet the following requirements to be eligible to purchase an Iowa hunting license:~~

~~*a.* To comply with Iowa Code section 483A.27, subsection (5), an individual must pass a written examination compiled by the department of natural resources under the direct supervision of a state conservation officer or certified hunter safety instructor.~~

~~*b.* If the applicant does not pass the examination by a score of 95 percent or more, the applicant must then wait seven days to take the examination again.~~

~~*c.* If the applicant does not pass the second examination with a score of 95 percent or more, the applicant must successfully complete the ten-hour safety and ethics course to obtain a certificate of completion (as described in Iowa Code section 483A.27, subsection (2)).~~

~~**15.42(3) 15.42(2) Exemptions.** The following groups of individuals do not need hunting licenses and therefore do not need to satisfactorily complete a hunter ~~safety and ethics~~ education course:~~

~~*a.* and *b.* No change.~~

~~**15.42(4) 15.42(3) Deer and wild turkey license applications.** Individuals are not required to exhibit a certificate showing satisfactory completion of a hunter ~~safety and ethics~~ education course only when applying for a deer or wild turkey license.~~

ITEM 7. Rescind and reserve rule **571—15.43(321G,462A,483A)**.