

d. Cash prizes shall not be awarded in games other than bingo and raffles. The value of a prize shall not exceed ~~two hundred one thousand~~ one thousand dollars and merchandise prizes shall not be repurchased. If a prize consists of more than one item, unit, or part, the aggregate value of all items, units, or parts shall not exceed ~~two hundred one thousand~~ one thousand dollars. However, one raffle may be conducted per calendar year at which prizes having a combined value of more than ~~two hundred one thousand~~ one thousand dollars may be awarded. If the prize is merchandise, its value shall be determined by purchase price paid by the organization or donor.

Sec. 2. Section 99B.7, subsection 1, paragraph q, unnumbered paragraph 1, Code 1997, is amended to read as follows:

A licensee under this section may hold one real property raffle per calendar year at which the value of the real property may exceed ~~two hundred one thousand~~ one thousand dollars in lieu of the annual raffle authorized in subsection 1, paragraph "d", if all of the following requirements are met:

Approved May 18, 1998

CHAPTER 1199

FISHING AND HUNTING — LICENSES AND FEES

S.F. 187

AN ACT relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates.

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

Section 1. Section 308.2, Code 1997, is amended to read as follows:
308.2 ASSENT TO FEDERAL ACT.

The general assembly of the state of Iowa hereby declares that the intent of this chapter is to assent to any Act of the United States Congress authorizing the development of any national parkway located wholly or partly within the state of Iowa, to the full extent that is necessary to secure any benefits under such Act, provided that the hunting of migratory ~~waterfowl~~ game birds and other game and fishing shall not be prohibited or otherwise restricted by the United States government or any of its designated agencies in control of said project, and to authorize the appropriate state boards, commissions, departments and the governing bodies of counties, cities and villages and especially the state transportation commission to co-operate in the planning and development of all national parkways that may be proposed for development in Iowa, with any agency or department of the government of the United States in which is vested the necessary authority to construct or otherwise develop such national parkways. Whenever authority shall exist for the planning and development of any national parkway, of which any portion shall be located in the state of Iowa, it shall be the duty of the state transportation commission to make such investigations and studies in co-operation with the appropriate federal agency, and such state boards, commissions and departments as shall have an interest in such parkway development, to the extent that shall be desirable and necessary in order to provide that the state shall secure all advantages that may accrue through such parkway development and that the interests of the counties, cities and villages along the route shall be served.

Sec. 2. Section 331.602, subsection 11, Code Supplement 1997, is amended to read as follows:

11. ~~Issue~~ Collect migratory ~~waterfowl stamps~~ game bird fees as provided in chapter 484A.

Sec. 3. Section 331.605, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. The fees specified in section 483A.1. ~~The recorder may designate depositaries to issue the licenses and collect the appropriate fees as provided in section 483A.11.~~

Sec. 4. Section 331.605, subsection 3, Code 1997, is amended to read as follows:

3. ~~For the issuance of a state migratory waterfowl stamp, a~~ A state migratory game bird fee as provided in section 484A.3.

Sec. 5. Section 483A.1, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

483A.1 LICENSES — FEES.

Except as otherwise provided in this chapter, a person shall not fish, trap, hunt, pursue, catch, kill, take in any manner, use, have possession of, sell, or transport all or a part of any wild animal, bird, game, or fish, the protection and regulation of which is desirable for the conservation of resources of the state, without first obtaining a license for that purpose and the payment of a fee as follows:

1. Residents:
 - a. Fishing license \$ 10.50
 - b. Fishing license, lifetime, sixty-five years or older \$ 50.50
 - c. Hunting license \$ 12.50
 - d. Hunting license, lifetime, sixty-five years or older \$ 50.50
 - e. Deer hunting license \$ 25.50
 - f. Wild turkey hunting license \$ 22.50
 - g. Fur harvester license, sixteen years or older \$ 20.50
 - h. Fur harvester license, under sixteen years of age \$ 5.50
 - i. Fur dealer license \$ 225.50
 - j. Aquaculture unit license \$ 25.50
 - k. Bait dealer license \$ 30.50
2. Nonresidents:
 - a. Fishing license \$ 22.50
 - b. Hunting license, eighteen years of age or older \$ 60.50
 - c. Hunting license, under eighteen years of age \$ 25.50
 - d. Deer hunting license \$ 150.50
 - e. Wild turkey hunting license \$ 75.50
 - f. Fur harvester license \$ 180.50
 - g. Fur dealer license \$ 500.50
 - h. Location permit for fur dealers \$ 55.50
 - i. Aquaculture unit license \$ 50.50
 - j. Bait dealer license \$ 60.50
3. Residents and Nonresidents:
 - a. Fishing, seven-day license \$ 8.50
 - b. Trout fishing fee \$ 10.50
 - c. Game breeder license \$ 15.50
 - d. Taxidermy license \$ 15.50
 - e. Falconry license \$ 20.50
 - f. Nongame support fee \$ 5.00
 - g. Wildlife habitat fee \$ 5.50
 - h. Migratory game bird fee \$ 5.50

Sec. 6. Section 483A.3, Code 1997, is amended to read as follows:

483A.3 WILDLIFE HABITAT STAMP FEE.

1. A resident or nonresident person required to have a hunting; ~~or fur harvester; or fur, fish, and game~~ license shall not hunt or trap unless the person carries a valid has paid the wildlife habitat stamp signed in ink with the person's signature across the face of the stamp fee. This section shall not apply to residents who have permanent disabilities or who are younger than sixteen or older than sixty-five years of age. ~~Special wildlife Wildlife habitat stamps fees~~ shall be administered in the same manner as hunting and fur harvester licenses except all revenue derived from ~~the sale of the wildlife habitat stamps fees~~ shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund, except as provided in subsection 2. The revenue may be used for the matching of federal funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land, or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section 427.1, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition ~~such the~~ revenue may be used for the development and enhancement of wildlife lands and habitat areas. Not less than fifty percent of all revenue from ~~the sale of wildlife habitat stamps fees~~ shall be used by the commission to enter into agreements with county conservation boards or other public agencies in order to carry out the purposes of this section. The state share of funding of those agreements provided by the revenue from ~~the sale of wildlife habitat stamps fees~~ shall not exceed seventy-five percent.

2. Up to sixty percent of the revenues from ~~the sale of wildlife habitat stamps fees~~ which are not required under subsection 1 to be used by the commission to enter into agreements with county conservation boards or other public agencies may be credited to the wildlife habitat bond fund as provided in section 483A.53.

Sec. 7. Section 483A.5, Code 1997, is amended to read as follows:

483A.5 LICENSE FOR FUR-BEARING ANIMALS.

A fur harvester license ~~or fur, fish and game~~ license is required to hunt and to trap any fur-bearing animal. A hunting license is not required when hunting furbearers with a fur harvester license. However, coyote and groundhog may be hunted with a hunting; or a fur harvester or a fur, fish and game license.

Sec. 8. Section 483A.6, Code 1997, is amended to read as follows:

483A.6 TROUT LICENSE STAMP FISHING FEE.

Any person required to have a fishing license shall not possess trout unless that person has ~~at that time on the person an unexpired special trout license stamp validated by that person's signature written across the face of the stamp in ink, a receipt, or other evidence showing that such~~ paid the trout was lawfully acquired fishing fee. The proceeds from the ~~sale of this stamp fee~~ shall be used exclusively ~~to restock for the trout waters program~~ designated by the commission. The commission may grant a permit to a community event in which trout will be stocked in water which is not designated trout water and a person may catch and possess trout during the period and from the water covered by the permit without having a ~~special paid the trout license stamp fishing fee~~.

Sec. 9. Section 483A.7, subsections 1 and 3, Code 1997, are amended to read as follows:

1. A resident hunting wild turkey who is required to have a license must have a resident hunting license ~~or combined hunting and fishing license or fur, fish and game license and a wildlife habitat stamp~~ in addition to the wild turkey hunting license and must pay the wildlife habitat fee. Upon application and payment of the required fees for archery-only licenses, a resident archer shall be issued two wild turkey licenses for the spring season.

3. A nonresident wild turkey hunter is required to have only a nonresident wild turkey hunting license and a pay the wildlife habitat stamp fee. The commission shall annually limit to two thousand licenses the number of nonresidents allowed to have wild turkey hunting licenses. The number of nonresident wild turkey hunting licenses shall be determined as provided in section 481A.38. The commission shall allocate the nonresident wild

turkey hunting licenses issued among the zones based on the populations of wild turkey. A nonresident applying for a wild turkey hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

Sec. 10. Section 483A.8, subsections 1 and 3, Code 1997, are amended to read as follows:

1. A resident hunting deer who is required to have a hunting license must have a resident hunting license ~~or resident combined hunting and fishing license or a fur, fish and game license and a wildlife habitat stamp~~ in addition to the deer hunting license and must pay the wildlife habitat fee.

3. A nonresident hunting deer hunter is required to have ~~only~~ a nonresident deer license and a must pay the wildlife habitat stamp fee. The commission shall annually limit to ~~five~~ six thousand licenses the number of nonresidents allowed to have deer hunting licenses. The number of nonresident deer hunting licenses shall be determined as provided in section 481A.38. The commission shall allocate the nonresident deer hunting licenses issued among the zones based on the populations of deer. However, a nonresident applicant may request one or more hunting zones, in order of preference, in which the applicant wishes to hunt. If the request cannot be fulfilled, the applicable fees shall be returned to the applicant. A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

Sec. 11. Section 483A.9, Code 1997, is amended to read as follows:

483A.9 BLANKS.

The director shall provide blanks for, and determine ~~in addition to the following requirements, the method, means, and requirements~~ of issuing licenses including the issuance of licenses by electronic means.

Sec. 12. Section 483A.10, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

483A.10 ISSUANCE OF LICENSES.

The licenses issued pursuant to this chapter shall be issued by the department, the county recorders, or the license depositaries as specified by rules of the commission. The rules shall include the application procedures as necessary. The licenses shall show the cost of the license and the writing fee. A person authorized to issue a license or collect a fee pursuant to this chapter or chapter 484A shall charge the fee specified in this chapter or chapter 484A only plus a writing fee if applicable.

Sec. 13. Section 483A.11, Code 1997, is amended to read as follows:

483A.11 DEPOSITARIES —~~BOND.~~

~~The county recorder may designate various depositaries for the sale of such licenses other than the office of the county recorder. The director may designate depositaries other than those designated by the recorders of the various counties for the sale of licenses but in so doing the interest of the state shall be fully protected either by a sufficient cash deposit or a satisfactory bond.~~

Sec. 14. Section 483A.12, Code 1997, is amended to read as follows:

483A.12 FEES.

The county recorder shall be responsible for all fees for the issuance of hunting, and fishing, and fur harvester licenses sold through the recorder's office, ~~or issued through the recorder's office and sold by others.~~ All unused license blanks shall be surrendered to the county recorder upon the recorder's demand.

~~Depositaries designated by the county recorder or the director shall retain twenty five cents from the sale of each license for the service rendered in issuing the license. The county recorder shall retain a writing fee of fifty cents from the sale of each license sold by the county recorder's office and a writing fee of twenty five cents from the sale of each license~~

~~sold by a depositary designated by the county recorder. The writing fees retained by the county recorder shall be deposited in the general fund of the county. A depositary and county recorder shall not retain any amount from the sale of trout stamps, habitat stamps, and waterfowl stamps. A license depositary designated by the director shall retain a writing fee of fifty cents from each license sold by the depositary. A license depositary* may charge and retain a writing fee of one dollar for the issuance of a free deer hunting license or a free wild turkey hunting license as authorized under section 483A.24, subsection 2.~~

Sec. 15. Section 483A.14, Code 1997, is amended to read as follows:
483A.14 DUPLICATE LICENSES AND PERMITS.

~~Whenever~~ ~~When~~ any license, certificate, or permit, for which a fee has been set, has been lost, destroyed, or stolen, the director, ~~or the county recorder where the license was issued in the first instance, or the license depositary,~~ may issue a certificate to replace said replacement license, if written evidence is filed with either director or recorder, in affidavit form, by the person to whom the original was issued, setting forth the circumstances available to demonstrate issuance of the original license and accompanied by a fee of one dollar two dollars is paid, said fee to be kept by the county recorder for the use of the county, if issued by the county recorder, and placed in the fish and game protection fund if issued by the director. If, on examination of the evidence, the director, ~~or the recorder, or the license depositary~~ as the case may be, is satisfied that said the license has been lost, destroyed, or stolen, the director, ~~or the recorder, or the license depositary~~ shall issue a duplicate license which shall be plainly marked "duplicate" and ~~said the~~ duplicate shall serve in lieu of the original license and it shall contain the same information and signature as the original. The license depositary* may charge and retain a writing fee of one dollar for each duplicate license issued pursuant to this section.

Sec. 16. Section 483A.15, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

483A.15 ACCOUNTING.

The director shall establish, by rule, specific requirements for remittance of funds, and the necessary accounting and reporting for all types of licenses issued based on the manner and location of the issuance.

Sec. 17. Section 483A.19, Code 1997, is amended to read as follows:

483A.19 SHOWING LICENSE TO OFFICER.

Every person shall, while fishing, hunting, or fur harvesting, show the person's license, certificate, or permit, to any peace officer or the owner or person in lawful control of the land or water upon which licensee may be hunting, fishing, or fur harvesting when requested by the persons to do so. Any failure to so carry or refusal to show or so exhibit the person's license, certificate, or permit shall be a violation of this chapter. However, except for possession and exhibition of deer licenses and tags or wild turkey licenses and tags, a person charged with violating this section shall not be convicted if the person produces in court, within a reasonable time, a license, certificate, or permit for hunting, fishing, or fur harvesting issued to that person and valid when the person was charged with a violation of this section.

Sec. 18. NEW SECTION. 483A.22A SALE OF LICENSE LISTS.

The department may establish, by rule, fees for lists of licensees. Notwithstanding section 22.3, the fee for a list of licensees may exceed the cost of preparing the list and providing the copying service.

Sec. 19. Section 483A.24, subsection 2, paragraph b, Code Supplement 1997, is amended to read as follows:

b. Upon written application on forms furnished by the department, the department shall issue annually without fee one deer or one wild turkey license, or both, to the owner of a farm

* The word "depositary" probably intended

unit or to a member of the owner's family, but not to both, and to the tenant or to a member of the tenant's family, but not to both. The deer hunting license or wild turkey hunting license issued shall be valid only on the farm unit for which an applicant qualifies pursuant to this subsection and shall be equivalent to the least restrictive license issued under section 481A.38. The owner or the tenant need not reside on the farm unit to qualify for a free license to hunt on that farm unit. A free deer hunting license issued pursuant to this subsection shall be valid during all shotgun deer seasons.

Sec. 20. Section 483A.24, subsections 3, 4, and 5, Code Supplement 1997, are amended to read as follows:

3. The director shall provide up to twenty-five nonresident deer hunting licenses for allocation as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the department of economic development, or their designees. The licenses provided pursuant to the subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.8. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon payment of the nonresident deer hunting license fee and the wildlife habitat ~~stamp~~ fee. The licenses are valid in all zones open to deer hunting. The hunter safety and ethics education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

4. The director shall provide up to twenty-five nonresident wild turkey hunting licenses for allocation as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the department of economic development, or their designees. The licenses provided pursuant to the subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.7. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon payment of the nonresident wild turkey hunting license fee and the wildlife habitat ~~stamp~~ fee. The licenses are valid in all zones open to wild turkey hunting. The hunter safety and ethics education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

5. A resident of the state under sixteen years of age or a nonresident of the state under fourteen years of age is not required to have a license to fish in the waters of the state. However, residents under sixteen years of age and nonresidents under fourteen years of age must ~~possess a valid~~ pay the trout ~~stamp~~ fishing fee to possess trout or they must fish for trout with a licensed adult who ~~possesses a valid~~ has paid the trout ~~stamp~~ fishing fee and limit their combined catch to the daily limit established by the commission.

Sec. 21. Section 484A.1, subsection 2, Code 1997, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Migratory game bird" means any wild goose, brant, wild duck, snipe, rail, woodcock, or coot.

Sec. 22. Section 484A.1, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 23. Section 484A.2, Code 1997, is amended to read as follows:

484A.2 ~~STAMP FEE~~ REQUIRED.

~~No~~ A person sixteen years of age or older shall not hunt or take any migratory ~~waterfowl~~ game bird within this state without first ~~procuring~~ paying a state migratory ~~waterfowl~~ stamp and ~~having such stamp in the person's possession while hunting or taking any~~

~~migratory waterfowl game bird fee. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. The commission director shall determine the form of the stamp and shall furnish the stamps to the county recorders and their designated depositaries for issuance or sale in the same manner as hunting licenses are issued or sold under chapter 483A means and method of collecting the migratory game bird fees.~~

Sec. 24. Section 484A.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

All revenue generated from the migratory game bird fee shall be used for projects approved by the commission for the purpose of protecting and propagating migratory waterfowl game birds and for the acquisition, development, restoration, maintenance or preservation of wetlands, except for that part which is specified by the commission for use in paying administrative expenses as provided in section 456A.17.

Sec. 25. Section 484B.10, subsection 2, Code 1997, is amended to read as follows:

2. Waterfowl shall not be shot over any area where pen-reared mallards may serve as live decoys for wild waterfowl. All persons hunting game birds or ungulates upon a licensed hunting preserve shall secure a hunting license to do so in accordance with the game laws of Iowa, with the exception that an unlicensed person may secure an annual hunting preserve license restricted to hunting preserves only for a license fee of five dollars. ~~A wildlife habitat stamp shall be required of all~~ All persons who hunt on hunting preserves shall pay the wildlife habitat fee.

Sec. 26. Sections 483A.16 and 484A.3, Code 1997, are repealed.

Sec. 27. EFFECTIVE AND APPLICABILITY DATES. This Act takes effect December 15, 1998, and applies to licenses and fees for hunting, fishing, fur harvesting, and related wildlife and game activities for the calendar year beginning January 1, 1999.*

Approved May 19, 1998

CHAPTER 1200

CONSUMER FRAUDS

S.F. 490

AN ACT relating to the consumer fraud law by providing limited immunity from prosecution for providing certain information, authorizing the attorney general to commence an action related to telemarketing, and authorizing the attorney general to establish and accept a civil penalty in settlement of an investigation.

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

Section 1. Section 714.16, subsection 4, paragraphs b and c, Code 1997, are amended by striking the paragraphs and inserting in lieu thereof the following:

b. Subject to paragraph "c", information, documents, testimony, or other evidence provided to the attorney general by a person pursuant to paragraph "a" or subsection 3, or provided by a person as evidence in any civil action brought pursuant to this section, shall not be admitted in evidence, or used in any manner whatsoever, in any criminal prosecution or forfeiture proceeding against that person. If a criminal prosecution or forfeiture proceeding is initiated in a state court against a person who has provided information pursuant to

* See chapter 1223, §30 herein