

House File 631 - Enrolled

House File 631

AN ACT

RELATING TO THE ESTABLISHMENT OF CERTAIN LICENSES AND FEES
BY RULES ADOPTED BY THE NATURAL RESOURCE COMMISSION AND
INCLUDING COORDINATING AND TRANSITION PROVISIONS, AND
EFFECTIVE DATE PROVISIONS.

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

DIVISION I

LICENSES AND FEES — RULES

Section 1. Section 483A.1, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

483A.1 Licenses — fees — rules.

1. 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, turtle, 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 established by rules adopted by the commission pursuant to chapter 17A.

2. *a.* The fees established by rule pursuant to subsection 1 shall be periodically evaluated by the department, but not less often than once every three years, to ensure that the fees paid are sufficient to meet the needs of natural resource management and the public.

b. By December 15 of each year on and after December 15, 2019, that an evaluation of the license fees is completed, the department shall file a written report with the commission and the general assembly which shall include the evaluation and recommendations for changes, if any. Any fee increase proposed in such a report shall not take effect until on or after December 15 of the year succeeding the report and an individual license fee shall not be increased in any calendar year in an amount that exceeds five percent.

Sec. 2. Section 483A.3, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. A resident or nonresident person required to have a hunting or fur harvester license shall not hunt or trap unless the person purchases a hunting or fur harvester license that includes the wildlife habitat fee, in an amount established by rules adopted by the commission pursuant to section 483A.1.

Sec. 3. Section 483A.3, subsection 1, paragraph c, Code 2018, is amended by striking the paragraph.

Sec. 4. Section 483A.3, subsection 1, paragraphs d and e, Code 2018, are amended to read as follows:

d. All wildlife habitat fees shall be administered in the same manner as hunting and fur harvester licenses except all revenue derived from wildlife habitat 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 the income generated from those lands or, if no such income is generated, from the wildlife habitat fee revenues. In addition the revenue may be used for the development and enhancement of wildlife lands and habitat areas.

e. ~~Not less than fifty percent of all revenue~~ three dollars from each wildlife habitat fees fee shall be allocated as

specified in section 483A.3B and not less than fifty percent of the balance of each fee 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~~ However, the state share of funding of those agreements provided by the revenue from wildlife habitat fees shall not exceed seventy-five percent.

Sec. 5. Section 483A.3, subsections 3 and 4, Code 2018, are amended to read as follows:

3. Notwithstanding subsections 1 and 2, any increase in wildlife habitat fee revenues ~~received~~ collected on or after ~~July 1, 2007~~ December 15, 2018, pursuant to this section as a result of wildlife habitat fee increases ~~pursuant to 2007 Iowa Acts, ch. 194~~ established by rules adopted pursuant to section 483A.1, shall be used by the commission ~~only for the purpose of the game bird habitat development program as provided for any of the purposes set forth in this section or in section 483A.3B~~, except that such increases in revenues collected shall not be used by the commission for the purpose of land acquisition. The commission shall not reduce on an annual basis for these purposes the amount of other funds being expended as of ~~July 1, 2007~~ December 15, 2018.

4. A ~~three-year~~ multi-year hunting license purchased pursuant to section 483A.1, subsection 1, paragraph "j" 483A.9A, includes the payment of a wildlife habitat fee for each of the ~~three~~ years for which the license is valid and those fees shall be used as provided in this section.

Sec. 6. Section 483A.3A, Code 2018, is amended to read as follows:

483A.3A Fish habitat development funding.

Three dollars from each resident and nonresident annual and seven-day fishing license and nine dollars from each resident ~~three-year~~ multi-year fishing license sold shall be deposited in the state fish and game protection fund and shall be used within this state for fish habitat development. Not less than fifty percent of this amount shall be used by the commission to enter into agreements with county conservation boards to carry out the purposes of this section.

Sec. 7. Section 483A.3B, subsection 1, Code 2018, is amended

to read as follows:

1. *Allocation of revenue — accounts.* All revenue collected from ~~increases in~~ wildlife habitat fees as provided in section 483A.3, subsection 3 1, paragraph "e", that is deposited in the state fish and game protection fund and that is allocated pursuant to this section shall be allocated as follows:

a. ~~Two~~ Not less than two dollars of each wildlife habitat fee collected shall be allocated to the game bird wetlands conservation account.

b. ~~One~~ Not less than one dollar of each wildlife habitat fee collected shall be allocated to the game bird buffer strip assistance account.

c. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys collected from wildlife habitat fees that are deposited in each account created under [this section](#) shall be credited to that account. Notwithstanding [section 8.33](#) or [section 456A.17](#), moneys credited to each account created under this section shall not revert to the state general fund at the close of a fiscal year.

d. All revenue ~~generated by increases in the~~ collected from wildlife habitat fee fees as provided in section 483A.3, subsection 3 1, paragraph "e", that is allocated pursuant to this section shall be used as provided in [this section](#), except for that part which is specified by the department for use in paying administrative expenses as provided in [section 456A.17](#).

Sec. 8. NEW SECTION. 483A.6B Nonresident five-day hunting license — fee.

1. A nonresident may be issued a five-day hunting license that costs an amount as set by rules adopted pursuant to section 483A.1, including the wildlife habitat fee. A nonresident hunting with a license issued under this section shall be otherwise qualified to hunt in this state.

2. This section is repealed on December 15, 2021.

Sec. 9. Section 483A.8, subsection 7, Code 2018, is amended to read as follows:

7. A person who is issued a youth deer hunting license ~~and does not take a deer during the youth deer hunting season~~ may use the deer hunting license and ~~unused~~ tag during any ~~other~~ firearm established deer hunting season that is established by

the commission to take a deer of either sex using the method of take authorized by rule for each season being hunted. If the tag is filled during one of the seasons, the license will not be valid in subsequent seasons.

Sec. 10. Section 483A.17, Code 2018, is amended to read as follows:

483A.17 Tenure of license.

Every license, except as otherwise provided in this chapter, is valid from the date issued to January 10 of the succeeding calendar year for which it is issued. A license shall not be issued prior to December 15 for the subsequent calendar year except for a ~~three-year~~ multi-year fishing license or a ~~three-year~~ multi-year hunting license issued to a resident pursuant to rules adopted pursuant to section 483A.17 subsection 1.

Sec. 11. Section 483A.24, subsection 2, paragraphs b and c, Code 2018, are amended to read as follows:

b. Upon written application on forms furnished by the department, the department shall issue annually without fee one wild turkey license to the owner of a farm 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 wild turkey hunting ~~license~~ licenses 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. The free turkey hunting licenses issued pursuant to this paragraph shall be valid and may be used during any bow or firearm turkey hunting season.

c. Upon written application on forms furnished by the department, the department shall issue annually without fee two deer hunting licenses, one antlered or any sex deer hunting license and one antlerless deer only deer hunting license, to the owner of a farm unit or a member of the owner's family, but only a total of two licenses for both, and to the tenant of a farm unit or a member of the tenant's family, but only a total of two licenses for both. The deer hunting licenses issued shall be valid only for use on the farm unit for which

the applicant applies pursuant to this paragraph. The owner or the tenant need not reside on the farm unit to qualify for the free deer hunting licenses to hunt on that farm unit. The free deer hunting licenses issued pursuant to this paragraph shall be valid and may be used during any ~~shotgun~~ bow or firearm deer hunting season. The licenses may be used to harvest deer in two different seasons. In addition, a person who receives a free deer hunting license pursuant to this paragraph shall pay a one dollar fee for each license that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

DIVISION II

COORDINATING PROVISIONS

Sec. 12. Section 331.605, subsection 1, paragraph b, subparagraph (1), Code 2018, is amended to read as follows:

(1) The fees specified in rules adopted pursuant to section 483A.1.

Sec. 13. Section 331.605, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. A state migratory game bird fee as provided in rules adopted pursuant to section 483A.1.

Sec. 14. Section 481A.93, subsection 2, paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) The totally blind person is accompanied and aided by a person who is at least eighteen years of age and whose vision is not seriously impaired. The accompanying person must purchase a hunting license that includes the wildlife habitat fee as provided in rules adopted pursuant to section 483A.1 if applicable. If the accompanying person is not required to have a hunting license the person is not required to pay the wildlife habitat fee. During the hunt, the accompanying adult must be within arm's reach of the totally blind person, and must be able to identify the target and the location of the laser sight beam on the target. A person other than the totally blind person shall not shoot the laser sight-equipped gun or bow.

Sec. 15. Section 483A.1A, subsection 10, paragraph c, Code

2018, is amended to read as follows:

c. Is a student who qualifies as a resident pursuant to paragraph "b" only for the purpose of purchasing any resident license specified in rules adopted pursuant to section 483A.1.

Sec. 16. Section 483A.7, subsection 3, paragraph b, Code 2018, is amended to read as follows:

b. The commission shall assign one preference point to a nonresident whose application for a nonresident wild turkey hunting license is denied due to limitations on the number of nonresident wild turkey hunting licenses available for issuance that year. An additional preference point shall be assigned to that person each subsequent year the person's license application is denied for that reason. A nonresident may purchase additional preference points pursuant to rules adopted pursuant to section 483A.1, subsection 2, paragraph "j". The first nonresident wild turkey hunting license drawing each year shall be made from the pool of applicants with the most preference points and continue to pools of applicants with successively fewer preference points until all available nonresident wild turkey hunting licenses have been issued. If a nonresident applicant receives a wild turkey hunting license, all of the applicant's assigned preference points at that time shall be removed.

Sec. 17. Section 483A.8, subsection 3, paragraphs a, b, and e, Code 2018, are amended to read as follows:

a. A nonresident hunting deer is required to purchase a nonresident annual hunting license that includes the wildlife habitat fee and a nonresident deer hunting license. In addition, a nonresident who purchases a deer hunting license shall pay a one dollar fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

b. A nonresident who purchases an antlered or any sex deer hunting license pursuant to rules adopted pursuant to section 483A.1, subsection 2, paragraph "i", is required to purchase an antlerless deer only deer hunting license at the same time, pursuant to rules adopted pursuant to section 483A.1,

~~subsection 2, paragraph "k".~~

e. The commission shall assign one preference point to a nonresident whose application for a nonresident antlered or any sex deer hunting license is denied due to limitations on the number of nonresident antlered or any sex deer hunting licenses available for issuance that year. An additional preference point shall be assigned to that person each subsequent year the person's license application is denied for that reason. A nonresident may purchase additional preference points pursuant to rules adopted pursuant to section 483A.1, ~~subsection 2, paragraph "j"~~. The first nonresident antlered or any sex deer hunting license drawing each year shall be made from the pool of applicants with the most preference points and continue to pools of applicants with successively fewer preference points until all available nonresident antlered or any sex deer hunting licenses have been issued. If a nonresident applicant receives an antlered or any sex deer hunting license, all of the applicant's assigned preference points at that time shall be removed.

Sec. 18. Section 483A.8, subsections 4 and 6, Code 2018, are amended to read as follows:

4. The commission may provide, by rule, for the issuance of an additional antlerless deer hunting license to a person who has been issued an antlerless deer hunting license. The rules shall specify the number of additional antlerless deer hunting licenses which may be issued, and the season and zone in which the license is valid. The fee for an additional antlerless deer hunting license shall be ~~ten dollars~~ an amount established by rules adopted pursuant to section 483A.1 for residents.

6. The commission shall provide by rule for the annual issuance to a nonresident of a nonresident antlerless deer hunting license that is valid for use only during the period beginning on December 24 and ending at sunset on January 2 of the following year and costs ~~seventy-five dollars~~ an amount established by rules adopted pursuant to section 483A.1. A nonresident hunting deer with a license issued under this subsection shall be otherwise qualified to hunt deer in this state and shall purchase a nonresident annual hunting license that includes the wildlife habitat fee, and pay the one dollar

fee for the purpose of deer herd population management as provided in [subsection 3](#). Pursuant to [this subsection](#), the commission shall make available for issuance only the remaining nonresident antlerless deer hunting licenses allocated under subsection 3 that have not yet been issued for the current year's nonresident antlerless deer hunting seasons.

Sec. 19. Section 483A.9A, subsection 3, Code 2018, is amended to read as follows:

3. The commission shall offer to residents a combination package of an annual fishing license and an annual hunting license, as provided in rules adopted pursuant to section 483A.1, ~~subsection 1,~~ the cost of which includes the wildlife habitat fee.

Sec. 20. Section 483A.24, subsection 2, paragraph d, Code 2018, is amended to read as follows:

d. In addition to the free deer hunting licenses received pursuant to paragraph "c", an owner of a farm unit or a member of the owner's family and the tenant or a member of the tenant's family may purchase a deer hunting license for any option offered to paying deer hunting licensees. An owner of a farm unit or a member of the owner's family and the tenant or a member of the tenant's family may also purchase two additional antlerless deer hunting licenses which are valid only on the farm unit for a fee of ~~ten dollars each~~ established by rules adopted pursuant to section 483A.1.

Sec. 21. Section 483A.24, subsection 3, paragraph a, Code 2018, is amended to read as follows:

a. Fifty of the nonresident deer hunting licenses shall be allocated 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 economic development authority, or their designees. The licenses provided pursuant to [this 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 purchase of a nonresident annual hunting license that includes the wildlife habitat fee and the purchase of a nonresident deer hunting license. The licenses are valid in all zones open to deer hunting. The hunter education certificate requirement pursuant to [section 483A.27](#) is waived for a nonresident issued a license pursuant to [this subsection](#).

Sec. 22. Section 483A.24, subsection 4, paragraph a, Code 2018, is amended to read as follows:

a. Fifty of the nonresident wild turkey hunting licenses shall be allocated 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 economic development authority, or their designees. The licenses provided pursuant to [this 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 purchase of a nonresident annual hunting license that includes the wildlife habitat fee and the purchase of a nonresident wild turkey hunting license. The licenses are valid in all zones open to wild turkey hunting. The hunter education certificate requirement pursuant to [section 483A.27](#) is waived for a nonresident issued a license pursuant to this subsection.

Sec. 23. Section 483A.24, subsection 16, Code 2018, is amended to read as follows:

16. Upon payment of the fee ~~of five dollars~~ established by rules adopted pursuant to section 483A.1 for a lifetime fishing license or lifetime hunting and fishing combined license, the department shall issue a lifetime fishing license or lifetime hunting and fishing combined license to a resident of Iowa who has served in the armed forces of the United States on

federal active duty and who was disabled or was a prisoner of war during that veteran's military service. The department shall prepare an application to be used by a person requesting a lifetime fishing license or lifetime hunting and fishing combined license under [this subsection](#). The department of veterans affairs shall assist the department in verifying the status or claims of applicants under [this subsection](#). As used in [this subsection](#), "disabled" means entitled to a service connected rating under 38 U.S.C. ch. 11.

Sec. 24. Section 483A.28, subsection 4, Code 2018, is amended to read as follows:

4. Any person who is issued a valid fishing license pursuant to [this chapter](#) may fish with a third line as provided in section 481A.72 only upon the annual purchase of a third line fishing permit as provided in rules adopted pursuant to section 483A.1.

Sec. 25. Section 717F.7, subsection 3, Code 2018, is amended to read as follows:

3. A person who keeps falcons, if the person has been issued a falconry license by the department of natural resources pursuant to rules adopted pursuant to section 483A.1.

Sec. 26. Section 805.8B, subsection 3, paragraph o, unnumbered paragraph 1, Code 2018, is amended to read as follows:

For violations of rules adopted pursuant to section 483A.1 relating to licenses and permits, the scheduled fines are as follows:

DIVISION III

TRANSITION PROVISIONS AND EFFECTIVE DATES

Sec. 27. RULEMAKING. The natural resource commission shall submit a notice of intended action to the administrative rules coordinator and the administrative code editor pursuant to section 17A.4, subsection 1, not later than July 14, 2018, for the adoption of rules establishing fees pursuant to section 483A.1, subsection 1, as enacted by this Act. Such rules shall be effective December 15, 2018.

Sec. 28. EFFECTIVE DATES — TRANSITION.

1. Divisions I and II of this Act take effect December 15, 2018. A license issued or in effect prior to December 15,

2018, is subject to the provisions of Code 2018. This Act does not affect the validity of a license issued prior to December 15, 2018.

2. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

LINDA UPMAYER
Speaker of the House

CHARLES SCHNEIDER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 631, Eighty-seventh General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2018

KIM REYNOLDS
Governor