

FEB 8 1973

HOUSE FILE 158

Place On Calendar

Jan. Natural Resources 2-14-73
Blouin, Chairman *Parsons 2903 4/9*
Heying
Kelly

BY COMMITTEE ON NATURAL RESOURCES

Passed House, Date 2-12-73 (314) Passed Senate, Date 5-4-74 (2029)
Vote: Ayes 21 Nays 12 Vote: Ayes 39 Nays 3
Approved 5-27-74

Passed House as amended by Senate
5-4-74 (2489)
6-2-1

A BILL FOR

1 An Act relating to obsolete fish and game provisions of the
2 Code.

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

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1 Section 1. Section one hundred nine point twenty-three
2 (109.23), Code 1973, is amended to read as follows:

3 109.23 TRANSPORTATION FOR SALE PROHIBITED. It shall be
4 unlawful for any person, firm, or corporation, except as
5 otherwise provided, to offer for transportation or to transport
6 by common carrier or vehicle of any kind, to any place within
7 or without the state, for the purposes of sale, any of the
8 fish, game, animals, or birds taken, caught, or killed within
9 the state, or to peddle any of such fish, game, animals, or
10 birds.

11 ~~It shall be unlawful to ship from the state any birds~~
12 ~~caught, taken, or killed in the state, or to take, ship, or~~
13 ~~carry from the state for any purpose any such fish, game,~~
14 ~~animals, or birds unless lawfully caught, taken, or killed~~
15 ~~by a nonresident licensee under the provisions of this chapter,~~
16 ~~who may take or carry such birds as have been lawfully caught,~~
17 ~~taken, or killed, or take, carry, or ship such fish, game,~~
18 ~~or animals as have been lawfully caught, taken, or killed,~~
19 ~~to his place of residence as indicated on such license.~~

20 Sec. 2. Section one hundred nine point sixty-three
21 (109.63), unnumbered paragraph one (1), Code 1973, is amended
22 to read as follows:

23 Any person may be authorized to sell minnows, frogs, and
24 clams for fish bait upon the payment of a license fee ~~of five~~
25 ~~dollars~~ to the commission. Minnow and bait boxes and tanks
26 shall be open to inspection by the director and conservation
27 officers at all times. They shall have tanks and bait boxes
28 of sufficient size, with proper aeration to keep the bait
29 alive and prevent heavy loss.

30 Sec. 3. Section one hundred nine point seventy-six
31 (109.76), Code 1973, is amended to read as follows:

32 109.76 UNLAWFUL MEANS--EXCEPTION. It shall be unlawful,
33 except as otherwise provided, to use on or in the waters of
34 the state any grabhook, snaghook, ~~artificial light~~, any kind
35 of a net, seine, trap, firearm, dynamite, or other explosives,

1 or poisonous or stupefying substances, lime, ashes or
2 electricity in the taking or attempting to take any fish,
3 except that gaffhooks or landing nets may be used to assist
4 in landing fish. No person shall take or kill, or attempt
5 to take or kill any fish by hand fishing. The spearing of
6 carp, buffalo, quillback, gar, sheepshead and dogfish, or
7 the taking of such fish with a bow and arrow with attached
8 bow fishing reel and ninety-pound minimum line attached to
9 the arrow may be permitted under section 111.42 by persons
10 lawfully permitted to fish shall be lawful between the hours
11 of sunrise and sunset each day and at such times and at such
12 places as the commission may determine necessary to carry
13 out the purposes of subsection 1 of section 109.38, except
14 that it shall be unlawful to spear from within an enclosure
15 of the type that materially hides the fisherman from view.
16 This provision shall not be construed to prevent the spearing
17 of such fish by a person using skin diving equipment, or
18 underwater breathing apparatus, where the only concealment
19 is the fact that he is wholly or partially submerged in the
20 water. The commission may make rules regulating such activity
21 by said persons.

22 Sec. 4. Section one hundred nine point eighty-four
23 (109.84), unnumbered paragraphs one (1) and two (2), Code
24 1973, is amended by striking these unnumbered paragraphs.

25 Sec. 5. Sections one hundred nine point twenty-four
26 (109.24), one hundred nine point twenty-five (109.25), one
27 hundred nine point twenty-seven (109.27), one hundred nine
28 point twenty-eight (109.28), and one hundred nine point eighty-
29 three (109.83), Code 1973, are repealed.

30 EXPLANATION

31 Code sections 109.24, 109.25, and 109.28 were adopted in
32 1876, Code section 109.27 was adopted in 1878, and Code sec-
33 tion 109.23 was adopted in 1929.

34 The purpose of Code sections 109.23, 109.24, 109.25, 109.27,
35 and 109.28 were to discourage market hunting. This is no

1 longer a problem because other state and federal statutes
2 prohibit this sale of game.

3 There is a difference in amounts charged for the fee
4 described in Code section 109.63 and the same fee described
5 in Code section 110.1. This bill eliminates the provision
6 in Code section 109.63.

7 This bill, by amendment of Code section 109.76, permits
8 night fishing.

9 This bill, by amendment of Code sections 109.83 and 109.84,
10 eliminates redundant provisions that are covered by Code sec-
11 tion 109.67.

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H-41

- 1 Amend the title to House File 158 by striking
- 2 all after the word "relating" and inserting in
- 3 lieu thereof the words "to fish and game."

Filed and adopted
February 12, 1973

By FREEMAN of Buena Vista

SENATE AMENDMENT TO HOUSE FILE 158

- 1 Amend House File 158, as amended and passed by the
- 2 House as follows:
- 3 1. Page 2, line 34, by striking the words
- 4 "~~artificial-light,~~" and inserting in lieu thereof the
- 5 words "artificial light,".
- 6 2. Page 3, line 5, by adding the following
- 7 sentence after the word "fishing.":
- 8 "The snagging of paddlefish may be permitted at
- 9 such times and at such places as may be determined
- 10 by rule of the commission."

Received from the Senate
May 4, 1974

House concurred 5/4

S-2703

1 Amend House File 158, as amended and passed by
2 the House, as follows:

3 1. Page 2, line 34, by striking the words
4 "~~artificial-light,~~" and inserting in lieu thereof the
5 words "artificial light,".

6 2. Page 3, line 5, by adding the following
7 sentence after the word "fishing.":

8 "The snagging of paddlefish may be permitted at
9 such times and at such places as may be determined
10 by rule of the commission."

S-2703 Filed. *Adopted 5/4*
April 9, 1974

By COMMITTEE ON NATURAL RESOURCES