

Natural Resources: Tyrrell, Chair; Anderson of Audubon and Hall.

*Do Pass 3/19/82 (p. 139)*

FILED MAR 19 1981

SENATE FILE 452

BY COMMITTEE ON NATURAL RESOURCES

(FORMERLY SSB 204)

*Approved 3/19/81 (p. 873)*

Passed Senate, Date 4-9-81 (p. 1184) Passed House, Date 4-7-82 (p. 1299)

Vote: Ayes 43 Nays 0 Vote: Ayes 96 Nays 11

Approved May 10, 1982

*Motion to reconsider (p. 1320) not Val. 24/24*

# A BILL FOR

1 An Act relating to private fish hatcheries.

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

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1 Section 1. Section 109.64, Code 1981, is amended to read  
2 as follows:

3 109.64 LICENSE--REGULATIONS. It ~~shall-be~~ is unlawful  
4 for any person to operate a private fish hatchery or engage  
5 in the business of propagating fish ~~native-to-the-state-of~~  
6 ~~Iowa~~ in private waters until ~~such~~ the person has applied for  
7 and has been issued a private fish hatchery license as provided  
8 by state law. ~~Such~~ The license shall be renewed each year.

9 The term "private fish hatchery" ~~covering-private-fish~~  
10 ~~hatcheries-shall-include~~ includes all private ponds, with  
11 or without buildings, used for the purpose of propagating  
12 or holding fish for commercial purposes.

13 No license shall be issued to operate private fish  
14 hatcheries on privately owned or nonmeandered lakes and streams  
15 or ponds that may become stocked with fish from public waters  
16 by overflow or natural migration.

17 Holders of private fish hatchery licenses may, in ~~said~~  
18 the hatchery, possess, propagate, buy, sell, deal in and  
19 transport the fish produced from breeding stock lawfully  
20 acquired, but all fish sold for food purposes must comply  
21 with the state law regarding size limits.

22 They may sell fish for stocking purposes within or without  
23 the state, but no fish shall be sold for stocking purposes  
24 within the state that are not native to the state ~~and-to-the~~  
25 ~~waters-where-stocked~~ unless application is first made in  
26 writing to the commission by the buyer for a permit therefor  
27 and a permit is granted.

28 Each operator of a private fish hatchery shall make an  
29 annual report of the number, kinds and sizes of the fish  
30 propagated and to whom sold during the license year on forms  
31 supplied by the commission. Failure to make ~~such~~ the report  
32 ~~shall-be~~ is grounds for refusal to renew the license under  
33 which the hatchery operates.

34 Operators of private fish hatcheries shall secure their  
35 breeding stock from licensed private fish hatcheries in the

1 state or from lawful sources outside the state and it shall  
2 ~~be~~ is unlawful for ~~such~~ hatcheries to secure stock in any  
3 other way.

4 Private fish hatchery operators who hold and feed carp,  
5 buffalo and other fish lawfully taken by commercial fishermen,  
6 may hold, feed and sell ~~such~~ the fish under private fish  
7 hatchery licenses.

8 EXPLANATION

9 This bill would allow private hatcheries to raise and sell  
10 nonnative fish species such as brown trout and white amur  
11 currently in great demand. It would also allow these species  
12 to be stocked in private waters upon permit granted to the  
13 buyer by the commission. This bill takes effect July 1 after  
14 enactment.

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propagated and to whom sold during the license year on forms supplied by the commission. Failure to make ~~such the~~ report ~~shall-be is~~ grounds for refusal to renew the license under which the hatchery operates.

Operators of private fish hatcheries shall secure their breeding stock from licensed private fish hatcheries in the state or from lawful sources outside the state and it ~~shall~~ be is unlawful for ~~such~~ hatcheries to secure stock in any other way.

Private fish hatchery operators who hold and feed carp, buffalo and other fish lawfully taken by commercial fishermen, may hold, feed and sell ~~such the~~ fish under private fish hatchery licenses.

AN ACT

RELATING TO PRIVATE FISH HATCHERIES.

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

Section 1. Section 109.64, Code 1981, is amended to read as follows:

109.64 LICENSE--REGULATIONS. It ~~shall-be is~~ unlawful for any person to operate a private fish hatchery or engage in the business of propagating fish ~~native-to-the-state-of Iowa~~ in private waters until ~~such the~~ person has applied for and has been issued a private fish hatchery license as provided by state law. ~~Such The~~ license shall be renewed each year.

The term "private fish hatchery" ~~covering-private-fish hatcheries-shall-include~~ includes all private ponds, with or without buildings, used for the purpose of propagating or holding fish for commercial purposes.

No license shall be issued to operate private fish hatcheries on privately owned or nonmeandered lakes and streams or ponds that may become stocked with fish from public waters by overflow or natural migration.

Holders of private fish hatchery licenses may, in ~~said~~ the hatchery, possess, propagate, buy, sell, deal in and transport the fish produced from breeding stock lawfully acquired, but all fish sold for food purposes must comply with the state law regarding size limits.

They may sell fish for stocking purposes within or without the state, but no fish shall be sold for stocking purposes within the state that are not native to the state ~~and-to-the waters-where-stocked~~ unless application is first made in writing to the commission by the buyer for a permit therefor and a permit is granted.

Each operator of a private fish hatchery shall make an annual report of the number, kinds and sizes of the fish

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TERRY E. BRANSTAD  
President of the Senate

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DELWYN STROMER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 452, Sixty-ninth General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved May 10, 1982

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ROBERT D. RAY  
Governor

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