

See Natural Resources 2/3/83
HOUSE FILE 343 *Amended per 3475*
to Dr. Price 4/8
(p. 1123)
Natural Resources
Hester, Chair
Hall
Doyle

HOUSE FILE 343

FEB 25 1983

BY COMMITTEE ON NATURAL RESOURCES

Place On Calendar

(Formerly Study Bill 551)

Passed House, Date 3-7-83 (p. 630) Passed Senate, Date 4-13-83 (p. 1248)

Vote: Ayes 82 Nays 15 Vote: Ayes 41 Nays 0

Approved June 2, 1983

Motion to reconsider (p. 637) H/S 3/29 (p. 968)

A BILL FOR

1 An Act authorizing the conservation commission to protect and
2 manage all wild vertebrates.

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

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Conference Committee Appointed

Senators Van Zile (Chair), Gettings, Goodwin, Hall, & Hester 5/3 (p. 1500)

Representatives Woods (Chair), Black, Sullivan, Toft, & Duvall 5/3 (p. 1763)

Passed per Conference Committee Report

House 5-13-83 (p. 2151)
76-10

Senate 5-14-83 (p. 1759)
48-0

Motion to Reconsider H/S (p. 1775)

HF 343

1 Section 1. Section 107.23, unnumbered paragraph 1, Code
2 1983, is amended to read as follows:

3 ~~It shall be the duty of the~~ The commission ~~to shall~~ protect,
4 propagate, increase, and preserve the ~~fish, game, fur-bearing~~
5 ~~animals and protected birds~~ wild mammals, fish, birds,
6 reptiles, and amphibians of the state and ~~to enforce~~ by proper
7 actions and proceedings the laws, rules, and regulations
8 relating ~~thereto~~ to them. The commission shall collect,
9 classify, and perserve all statistics, data, and information
10 as in its opinion ~~shall~~ tend to promote the objects of this
11 chapter, ~~shall,~~ conduct research in improved conservation
12 methods, and disseminate information to residents and non-
13 residents of Iowa in conservation matters.

14 Sec. 2. Section 107.24, subsection 2, paragraph b, Code
15 1983, is amended to read as follows:

16 b. Fish hatcheries, fish nurseries, game farms, and ~~fish,~~
17 ~~game, fur-bearing animal and protected bird~~ wild mammal, fish,
18 bird, reptile, and amphibian refuges.

19 Sec. 3. Section 107.24, subsection 4, Code 1983, is amended
20 to read as follows:

21 4. Capture, propagate, buy, sell, or exchange any species
22 of ~~fish, game, fur-bearing animals and protected birds~~ wild
23 mammal, fish, bird, reptile, and amphibian needed for stocking
24 the lands or waters of the state, and to feed, provide for,
25 and care for ~~such fish, animals and birds~~ them.

26 Sec. 4. Section 107.24, subsection 8, Code 1983, is amended
27 to read as follows:

28 8. Control by shooting or trapping any ~~fish, game, fur-~~
29 ~~bearing animals and protected birds~~ wild mammal, fish, bird,
30 reptile, and amphibian for the purpose of preventing the de-
31 struction of or damage to private or public property, but
32 shall not go upon private property for ~~such~~ that purpose
33 without the consent of the owner or occupant ~~thereof~~.

34 Sec. 5. Section 109.42, Code 1983, is amended by striking
35 the section and inserting in lieu thereof the following:

1 109.42 NONGAME PROTECTED. Protected nongame species
 2 include wild mammals, fish, birds, reptiles, and amphibians,
 3 and a product, egg, or offspring of them, and a dead body
 4 or part of a body. However, nongame does not include game,
 5 fish, fur-bearing animals, turtles, or frogs, as defined in
 6 this chapter. The commission shall designate by rule those
 7 species of nongame which by their abundance or habits are
 8 declared a nuisance, and these species shall not be protected.

9

EXPLANATION

10 This bill would make the commission responsible for all
 11 wild vertebrates and permit it to manage the species. The
 12 commission is presently responsible for the management of
 13 only those species defined as fish, game, fur-bearing animals,
 14 protected birds, and to a certain extent mussels and frogs.
 15 This bill would empower the commission to manage mammals,
 16 birds, amphibians, and reptiles not covered by existing law.
 17 The amendment to section 109.42 provides protection for these
 18 nongame species except for those the commission determines
 19 to be nuisance species. This bill takes effect July 1 after
 20 enactment.

21

HOUSE FILE 343

FISCAL NOTE

REQUESTED BY REPRESENTATIVE SULLIVAN

In compliance with a written request received March 1, 1983, there is hereby submitted a Fiscal Note for House File 343 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

House File 343 is an Act authorizing the Conservation Commission to protect and manage all wild vertebrates.

There would be no additional funds required for the Conservation Commission to provide this protection and management.

(112H, 83-311, AHS)

SOURCE: CONSERVATION COMMISSION
 FILED MARCH 7, 1983

BY DENNIS PROUTY, FISCAL DIRECTOR

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LSB 112H 70

sb/jw/o

HOUSE FILE 343

H-3166

1 Amend House File 343 as follows:
2 Page 1, line 9, by striking the word "perserve" and
3 inserting in lieu thereof the word "preserve".

H-3166 FILED FEBRUARY 25, 1983 BY WOODS of Polk
Adopted 2/7/83 (p 629)

HOUSE FILE 343

H-3259

1 Amend House File 343 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "birds," the word "pterodactyl,".
4 2. Page 1, line 18, by inserting after the word
5 "bird," the word "pterodactyl,".
6 3. Page 1, line 23, by inserting after the word
7 "bird," the word "pterodactyl,".
8 4. Page 1, line 29, by inserting after the word
9 "bird," the word "pterodactyl,".
10 5. Page 2, line 2, by inserting after the word
11 "birds," the word "pterodactyls,".
12 6. Page 2, by inserting after line 8 the following:
13 "NEW SUBSECTION. The commission shall protect
14 pterodactyls by enforcing a limit of one per day,
15 three per season, on wild pterodactyls."

H-3259 FILED MARCH 15, 1983

BY BLANSHAN of Greene

HOUSE FILE 343

S-3475

1 Amend House File 343, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 4 through 6 and
4 inserting in lieu thereof the following: "propagate,
5 increase, and preserve the fish, game, fur-bearing
6 animals, reptiles, and protected birds of the state
7 and to enforce by proper".

8 2. Page 1, by striking lines 16 through 18 and
9 inserting in lieu thereof the following:

10 "b. Fish hatcheries, fish nurseries, game farms,
11 and fish, game, fur-bearing animals, reptiles, and
12 protected bird refuges."

13 3. Page 1, by striking lines 22 and 23 and
14 inserting in lieu thereof the following: "of fish,
15 game, fur-bearing animals, reptiles, and protected
16 birds needed for stocking".

17 4. Page 1, by striking lines 28 through 30 and
18 inserting in lieu thereof the following:

19 "8. Control by shooting or trapping any fish,
20 game, fur-bearing animals, reptiles, and protected
21 birds for the purpose of preventing the de-".

22 5. By striking page 1, line 34 through page 2,
23 line 8.

24 6. Amend the title by striking line 2 and inserting
25 in lieu thereof the words "manage reptiles."

S-3475 FILED

APRIL 8, 1983

Adopted 4/13/83 (p. 1248)

BY COMMITTEE ON NATURAL RESOURCES
BASS VAN GILST, CHAIR

SENATE AMENDMENT TO HOUSE FILE 343

H-3771

1 Amend House File 343, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 4 through 6 and
4 inserting in lieu thereof the following: "propagate,
5 increase, and preserve the fish, game, fur-bearing
6 animals, reptiles, and protected birds of the state
7 and ~~to~~ enforce by proper".

8 2. Page 1, by striking lines 16 through 18 and
9 inserting in lieu thereof the following:
10 "b. Fish hatcheries, fish nurseries, game farms,
11 and fish, game, fur-bearing animal, reptiles, and
12 protected bird refuges."

13 3. Page 1, by striking lines 22 and 23 and
14 inserting in lieu thereof the following: "of fish,
15 game, fur-bearing animals, reptiles, and protected
16 birds needed for stocking".

17 4. Page 1, by striking lines 28 through 30 and
18 inserting in lieu thereof the following:

19 "8. Control by shooting or trapping any fish,
20 game, fur-bearing animals, reptiles, and protected
21 birds for the purpose of preventing the de-".

22 5. By striking page 1, line 34 through page 2,
23 line 8.

24 6. Amend the title by striking line 2 and inserting
25 in lieu thereof the words "manage reptiles."

H-3771 FILED APRIL 18, 1983

RECEIVED FROM THE SENATE
Flower referred to concern 4/26/83 (p. 1569)
Senate insisted 5/2/83 (p. 1478)

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 343

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 343, a bill for an Act authorizing the conservation commission to protect and manage all wild vertebrates, respectfully make the following report:

1. That the Senate recede from its amendment, H-3771, to House File 343, as amended and passed by the House.

2. That House File 343, as amended and passed by the House, be amended as follows:

1. Page 1, by inserting after line 33 the following:

"Sec. ____ Section 109.1, Code 1983, is amended by adding the following new subsection after subsection 13:

NEW SUBSECTION. 13A. "Wild mammal" means a mammal and family of mammal listed in sections 109.40 and 109.41."

2. Page 2, line 2, by striking the word "mammals,".

3. By numbering and renumbering as necessary.

4. Title page, by striking line 2 and inserting in lieu thereof the following: "manage wild game and nongame mammals, birds, reptiles, amphibians, and fish."

ON THE PART OF THE SENATE:
BASS VAN GILST, Chairperson
DON E. GETTINGS
NORMAN J. GOODWIN
HURLEY W. HALL
ACK W. HESTER

ON THE PART OF THE HOUSE:
JACK E. WOODS, Chairperson
DENNIS H. BLACK
WILLIAM R. SULLIVAN
SEMOR C. TOFTE
MARVIN E. DIEMER

FILED MAY 13, 1983
ADOPTED

*House adopted 5/13 (p. 2151)
Senate adopted 5/14 (p. 1759)*

HOUSE FILE 343

AN ACT

AUTHORIZING THE CONSERVATION COMMISSION TO PROTECT AND MANAGE WILD GAME AND NONGAME MAMMALS, BIRDS, REPTILES, AMPHIBIANS, AND FISH.

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

Section 1. Section 107.23, unnumbered paragraph 1, Code 1983, is amended to read as follows:

~~It shall be the duty of the~~ The commission ~~to shall~~ protect, propagate, increase, and preserve the ~~fish, game, fur-bearing animals and protected birds~~ wild mammals, fish, birds, reptiles, and amphibians of the state and ~~to~~ enforce by proper actions and proceedings the laws, rules, and regulations relating ~~thereto to them~~. The commission shall collect, classify, and preserve all statistics, data, and information as in its opinion ~~shall~~ tend to promote the objects of this

~~chapter, shall,~~ conduct research in improved conservation methods, and disseminate information to residents and non-residents of Iowa in conservation matters.

Sec. 2. Section 107.24, subsection 2, paragraph b, Code 1983, is amended to read as follows:

b. Fish hatcheries, fish nurseries, game farms, and ~~fish, game, fur-bearing animals and protected birds~~ wild mammal, fish, bird, reptile, and amphibian refuges.

Sec. 3. Section 107.24, subsection 4, Code 1983, is amended to read as follows:

4. Capture, propagate, buy, sell, or exchange any species of ~~fish, game, fur-bearing animals and protected birds~~ wild mammal, fish, bird, reptile, and amphibian needed for stocking the lands or waters of the state, and to feed, provide for, and care for ~~such fish, animals and birds~~ them.

Sec. 4. Section 107.24, subsection 8, Code 1983, is amended to read as follows:

8. Control by shooting or trapping any ~~fish, game, fur-bearing animals and protected birds~~ wild mammal, fish, bird, reptile, and amphibian for the purpose of preventing the destruction of or damage to private or public property, but shall not go upon private property for ~~such that~~ purpose without the consent of the owner or occupant thereof.

Sec. 5. Section 109.1, Code 1983, is amended by adding the following new subsection after subsection 13:

NEW SUBSECTION. 13A. "Wild mammal" means a mammal and family of mammal listed in sections 109.40 and 109.41.

Sec. 6. Section 109.42, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

109.42 NONGAME PROTECTED. Protected nongame species include wild fish, birds, reptiles, and amphibians, and a product, egg, or offspring of them, and a dead body or part of a body. However, nongame does not include game, fish, fur-bearing animals, turtles, or frogs, as defined in this chapter. The commission shall designate by rule those species

of nongame which by their abundance or habits are declared a nuisance, and these species shall not be protected.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 343, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor