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MAR 13 1986

HOUSE FILE 2463

Place On Calendar

BY COMMITTEE ON NATURAL
RESOURCES AND OUTDOOR
RECREATION

(Formerly House Study Bill 683)

Passed House, Date 3-21-86 (p. 966) Passed Senate, Date 4-8-86 (p. 1120)

Vote: Ayes 89 Nays 7 Vote: Ayes 45 Nays 1

Approved April 28, 1986 (p. 1856)

A BILL FOR

1 An Act relating to commercial fishing and providing penalties.

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

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HF 2463

1 Section 1. NEW SECTION. 109B.1 AUTHORITY OF THE COMMIS-
2 SION.

3 The state conservation commission shall observe, adminis-
4 ter, and enforce this chapter. The state conservation commis-
5 sion may adopt and enforce rules under chapter 17A as
6 necessary to carry out this chapter.

7 The state conservation commission may:

8 1. Remove or cause to be removed from the waters of the
9 state any aquatic species that in the judgment of the
10 commission is an underused renewable resource or has a
11 detrimental effect on other aquatic populations. All proceeds
12 from a sale of these aquatic organisms shall be credited to
13 the state fish and game protection fund.

14 2. Issue to any person a permit or license authorizing
15 that person to take, possess, and sell underused, undesirable,
16 or injurious aquatic organisms from the waters of the state.
17 The person receiving a permit or license shall comply with the
18 applicable provisions of this chapter.

19 3. Authorize the director to enter into written contracts
20 for the removal of underused, undesirable, or injurious
21 organisms from the waters of the state. The contracts shall
22 specify all terms and conditions desired. Sections 109.115,
23 109B.4, 109B.6, and 109B.14 do not apply to these contracts.

24 4. Prohibit, restrict, or regulate commercial fishing,
25 commercial turtle fishing, and commercial mussel fishing in
26 any waters of the state.

27 5. Revoke the license of a licensee and the licensee's
28 designated operators for up to one year if the licensee or any
29 designated operator has been convicted of a violation of
30 chapter 109, 109B, or 110.

31 6. Regulate the numbers of commercial fishers, commercial
32 turtle fishers, and commercial mussel fishers and the amount,
33 type, seasonal use, mesh size, construction and design, manner
34 of use, and other criteria relating to the use of commercial
35 gear for any body of water or part thereof.

1 7. Establish catch quotas, seasons, size limits, and other
2 regulations for any species of commercial fish, turtles, or
3 mussels for any body of water or part thereof.

4 8. Designate by listing species as commercial fish,
5 turtles, or mussels.

6 9. Designate any body of water or its part as protected
7 habitat and restrict, prohibit, or otherwise regulate the
8 taking of commercial fish, turtles, and mussels in protected
9 habitat areas.

10 Employees of the commission may lift and inspect any
11 commercial gear at any time when being used and may inspect
12 commercial catches, commercial markets, and landings, and
13 examine catch records of commercial fishers, commercial turtle
14 fishers, and commercial mussel fishers upon demand.

15 Officers of the commission may seize and retain as evidence
16 any illegal fish, turtles, or mussels, or any illegal
17 commercial gear, or any other personal property used in
18 violation of any provision of the Code, and may confiscate any
19 untagged or illegal commercial gear as contraband.

20 Sec. 2. NEW SECTION. 109B.2 DEFINITIONS.

21 As used in this chapter, unless the context otherwise
22 requires:

23 1. "Boundary waters" means the waters of the Mississippi,
24 Missouri, and Big Sioux rivers.

25 2. "Commercial fisher" means a person who is licensed to
26 take and sell fish from waters of the state.

27 3. "Commercial fishing" means taking, attempting to take,
28 or transporting of fish for the purpose of selling, bartering,
29 exchanging, offering, or exposing for sale.

30 4. "Commercial gear" means the capturing equipment used by
31 commercial fishers, commercial turtle fishers, and commercial
32 mussel fishers.

33 5. "Commercial mussel fisher" means a person who is
34 licensed to take and sell freshwater mussels from waters of
35 the state.

1 6. "Commercial mussel fishing" means taking, attempting to
2 take, or transporting of freshwater mussels for the purpose of
3 selling, bartering, exchanging, offering, or exposing for
4 sale.

5 7. "Commercial species" means species of fish, turtles,
6 and freshwater mussels which may be lawfully taken and sold by
7 commercial fishers, commercial turtle fishers, and commercial
8 mussel fishers, as established by rule by the commission.

9 8. "Commercial turtle fisher" means a person who is
10 licensed to take and sell turtles from the waters of the
11 state.

12 9. "Commercial turtle fishing" means taking, attempting to
13 take, or transporting of turtles for the purpose of selling,
14 bartering, exchanging, offering, or exposing for sale.

15 10. "Constant attendance" means the presence of a
16 commercial fisher or a designated operator whenever commercial
17 gear is in use.

18 11. "Director" means the director of the Iowa state
19 conservation commission, and the director's duly authorized
20 assistants, deputies, or agents.

21 12. "Game fish" means all species and size categories of
22 fish not included as "commercial species" or minnows.

23 13. "Inland waters of the state" means all public waters
24 of the state excluding the boundary waters of the Mississippi,
25 Big Sioux, and Missouri rivers.

26 14. "Licensed commercial gear" means any commercial gear
27 that is licensed as provided in this chapter and that, when in
28 use, has attached the proper tags as provided by this chapter.

29 15. "Nonresident or alien" means a person who does not
30 qualify as a resident of the state of Iowa either because of a
31 bona fide residence in another state or because of citizenship
32 of a country other than the United States. However, "alien"
33 does not include a person who has applied for naturalization
34 papers.

35 16. "Resident" means a person who is legally subject to

1 motor vehicle registration and driver's license laws of this
2 state, or who is qualified to vote in an election of this
3 state.

4 17. "Waters of the state" means all of the waters under
5 the jurisdiction of the state.

6 Sec. 3. NEW SECTION. 109B.3 COMMERCIAL FISHING -- WHERE
7 PERMITTED.

8 It is unlawful to use commercial gear in the taking of
9 commercial fish, turtles, and mussels from the waters of the
10 state, except as otherwise provided by statute or
11 administrative rules of the commission.

12 Sec. 4. NEW SECTION. 109B.4 COMMERCIAL LICENSES AND GEAR
13 TAGS.

14 1. A person shall not use or operate commercial gear
15 without possessing an appropriate valid commercial license, or
16 a designated operator's license. A license is valid from the
17 date of issue to January 10 of the succeeding calendar year
18 for which it was issued.

19 2. It is lawful for a commercial fisher to designate a
20 person as a designated operator to lift and to fish with any
21 or all licensed commercial fishing gear owned by the
22 commercial fisher. The commercial fisher shall submit the
23 names and addresses of the persons to be designated as
24 designated operators when applying for a commercial fishing
25 license. A commercial fisher shall not have more than five
26 designated operators. A designated operator shall not lift or
27 fish any commercial fishing gear without having first procured
28 a designated operator's license.

29 3. A boundary water annual sport trotline license permits
30 the licensee to use a maximum of four trotlines with two
31 hundred hooks in the aggregate. All boundary water sport
32 trotlines shall be tagged with the name and address of the
33 licensee on a metal tag affixed above the waterline.

34 4. Commercial fishers and turtle fishers shall purchase
35 gear tags from the commission to be affixed to each piece of

1 gear in use. All tags are valid for ten years from the date
 2 of issue. In addition to the gear tags, all gear shall be
 3 tagged with a metal tag showing the name and address of the
 4 licensee and whether the gear is fish or turtle gear.

5 5. All numbered fish gear tags are interchangeable among
 6 the different types of commercial fishing gear.

7 6. Annual license fees are as follows:

8	a. Commercial fishing, resident	\$200.00
9	b. Commercial fishing, nonresident	400.00
10	c. Designated operator, resident	50.00
11	d. Designated operator, nonresident	100.00
12	e. Commercial turtle, resident	50.00
13	f. Commercial turtle, nonresident	100.00
14	g. Commercial mussel, resident	50.00
15	h. Commercial mussel, nonresident	100.00
16	i. Boundary water sport trotline, resident	10.00
17	j. Boundary water sport trotline, nonresident	20.00

18 7. Commercial fish gear tags are required on the following
 19 units of commercial fishing gear at the listed fee:

20	a. Seine, resident, one gear tag for each	
21	feet or fraction thereof	\$1.00
22	b. Seine, nonresident, one gear tag for each	
23	100 feet or fraction thereof	2.00
24	c. Trammel net, resident, one gear tag for each	
25	100 feet or fraction thereof	1.00
26	d. Trammel net, nonresident, one gear tag for	
27	each 100 feet or fraction thereof	2.00
28	e. Gill net, resident, one gear tag for each	
29	100 feet or fraction thereof	1.00
30	f. Gill net, nonresident, one gear tag for each	
31	100 feet or fraction thereof	2.00
32	g. Entrapment nets, resident, one gear tag per	
33	net	1.00
34	h. Entrapment nets, nonresident, one gear tag	
35	per net	2.00

- 1 i. Commercial trotline, resident, one gear tag
 2 for each 50 hooks or less 1.00
 3 j. Commercial trotline, nonresident, one gear
 4 tag for each 50 hooks or less 2.00
 5 8. Turtle trap gear tags are not interchangeable with
 6 other commercial gear. Turtle trap gear tag fees are as
 7 follows:
 8 a. Commercial turtle trap, resident, one gear
 9 tag per trap 1.00
 10 b. Commercial turtle trap, nonresident, one
 11 gear tag per trap 2.00

12 Sec. 5. NEW SECTION. 109B.5 COMMERCIAL GEAR.

13 It is lawful for a person who is legally licensed to
 14 commercial fish to use the commercial fishing gear of a
 15 design, construction, size, season and all other criteria
 16 established by the commission for taking those species of fish
 17 and turtles designated by the commission by rule.

18 Sec. 6. NEW SECTION. 109B.6 TAGGING OF COMMERCIAL GEAR.

19 1. Each trotline shall have the tags affixed to one end.
 20 Each hoop net, slat net, trap net, and turtle trap shall have
 21 the appropriate tag affixed to the end nearest the pot. Each
 22 gill net and each trammel net shall have the tags affixed to
 23 the float line nearest the shore stake, but when fished under
 24 ice, the tags shall be affixed to the float line nearest the
 25 take-out hole. Each seine shall have the tags affixed to one
 26 end.

27 Sec. 7. NEW SECTION. 109B.7 GEAR ATTENDANCE.

28 1. The licensee or a designated operator must be present
 29 when lifting commercial gear. Commercial gear shall be lifted
 30 and emptied of catch as provided by the rules of the
 31 commission. Constant attendance by the licensee or a
 32 designated operator of seines, trammel nets, and gill nets is
 33 required when the gear is fished by driving, drive-seining,
 34 seining, floating, or drifting methods. Officers of the
 35 commission shall grant a reasonable extension of gear

1 attendance intervals in cases of inclement weather or unsafe
2 conditions.

3 Sec. 8. NEW SECTION. 109B.8 BAITTS.

4 1. It is lawful for licensed commercial fishers,
5 designated operators, commercial turtle fishers, and licensed
6 sport trotline fishers to pursue, take, possess, and transport
7 any commercial fish or their parts, bait fish, turtles, frogs,
8 salamanders, leeches, crayfish, or any other aquatic inverte-
9 brates for bait unless otherwise prohibited by law.

10 2. It is lawful to use any member of the following
11 families as bait fish in boundary waters: Cyprinidae, the
12 minnows; Catostomidae, the suckers; Umbridae, the mudminnows;
13 Clupeidae, the herrings; Hiodontidae, the mooneyes; Amiidae,
14 the bowfin unless otherwise prohibited by law.

15 3. It is lawful to use green sunfish, *Lepomis cyanellus*,
16 and orange-spotted sunfish, *Lepomis humilis*, for bait fish.

17 4. It is lawful to use minnow seines for taking bait in
18 the boundary waters. Minnow seines may not exceed fifty feet
19 in length and eight feet in depth.

20 Sec. 9. NEW SECTION. 109B.9 UNLAWFUL METHODS.

21 It is unlawful:

22 1. To use commercial gear which is not in accordance with
23 this chapter or the rules of the commission.

24 2. To use commercial gear within nine hundred feet from a
25 navigation dam on the boundary waters.

26 3. To use commercial gear within three hundred feet from
27 the mouth of a tributary stream emptying into the boundary
28 waters.

29 4. For a person to lift or to fish licensed commercial
30 gear of another person, except by the licensee and the
31 licensee's designated operators.

32 5. To employ chemicals, electricity, or explosives into
33 the water for taking fish, turtles, or freshwater mussels
34 except as authorized by the director.

35 6. To have in one's possession game fish or other fish,

1 turtles, or mussels deemed illegal by other provisions of law
2 while engaged in commercial activities. A fish caught in
3 commercial fishing that is not lawful to possess shall be
4 handled with wet hands and immediately released under water
5 with as little injury as possible.

6 7. To block or inhibit navigation through channels with
7 commercial fishing gear unless a minimum of three feet of
8 water depth is maintained over float lines of any entanglement
9 gear or leads to trap nets. Gear shall not block over one-
10 half the width of a navigable channel if there is less than
11 three feet of water over the gear.

12 Sec. 10. NEW SECTION. 109B.10 SALE OF COMMERCIAL FISH.

13 1. A person possessing a commercial fishing license or
14 designated operator's license may possess and sell any
15 commercial fish, turtles, or freshwater mussels, or their
16 parts, which have been lawfully taken.

17 2. All intrastate and interstate shipments of commercial
18 fish or turtles must be accompanied by a label which shows the
19 name and address of the seller and the kinds and pounds of the
20 catches being sold. Individuals purchasing fish, turtles, or
21 mussels from a commercial fisher, turtle fisher, or mussel
22 fisher need not possess a license.

23 Sec. 11. NEW SECTION. 109B.11 TURTLES.

24 1. A person shall not take, possess, or sell turtles from
25 the waters of the state without an appropriate license.

26 a. A valid sport fishing license entitles a person to take
27 and possess a maximum of one hundred pounds of live turtles or
28 fifty pounds of dressed turtles. The sale of live or dressed
29 turtles is not permitted with a sport fishing license.

30 b. A commercial turtle license is required to take and
31 possess more than one hundred pounds of live or fifty pounds
32 of dressed turtles. The holder of a commercial turtle license
33 may sell live or dressed turtles.

34 c. A commercial fishing license or a designated operator's
35 license entitles fishers to operate any licensed commercial

1 fishing gear for taking, possessing, or selling turtles.

2 2. It is unlawful to take, possess, or sell any species of
3 turtles except those designated by the commission by rule.

4 3. The method of taking turtles shall only be by hand,
5 turtle hook, turtle trap, licensed commercial fishing gear, or
6 other means designated by commission rules. Sport fishers may
7 also use hook-and-line in catching turtles.

8 4. Any unattended fishing gear used to take turtles on a
9 sport fishing license shall have affixed a metal tag provided
10 by the owner bearing the owner's name and address.

11 Sec. 12. NEW SECTION. 109B.12 FRESHWATER MUSSELS.

12 1. A person shall not take, possess, or sell freshwater
13 mussels from the waters of the state without an appropriate
14 license.

15 a. A sport fishing license entitles a person to take and
16 possess a maximum of one hundred pounds of mussels or shells
17 daily. The possession limit for each licensee is two hundred
18 pounds of live mussels or shells. Sale of mussels or shells
19 is not permitted with a sport fishing license.

20 b. A commercial mussel license is required to take more
21 than one hundred pounds of mussels or shells daily, or possess
22 more than two hundred pounds of mussels or shells. The holder
23 of a commercial mussel license may sell mussels or shells.

24 c. A commercial fishing license or designated operator's
25 license entitles a person to take, possess, and sell a maximum
26 of two hundred pounds of freshwater mussels daily.

27 2. A person may take all species of freshwater mussels, or
28 their parts, except where otherwise prohibited by rules of the
29 commission.

30 3. The method of taking freshwater mussels shall only be
31 by hand, by diving, or by crowfoot bar, a device designed to
32 catch mussels by inserting hooks between the shells, or by
33 other means designated by rules of the commission. A crowfoot
34 bar shall not exceed twenty feet in length and a licensee
35 shall not fish more than three bars.

1 Sec. 13. NEW SECTION. 109B.13 RECIPROCITY FOR COMMERCIAL
2 FISHING, COMMERCIAL TURTLE FISHING, AND COMMERCIAL MUSSEL
3 FISHING.

4 1. Reciprocal commercial fishing, commercial turtle
5 fishing, and commercial freshwater mussel fishing privileges
6 are contingent upon a grant of similar privileges by the ap-
7 propriate state to residents of this state.

8 2. The commission may negotiate commercial reciprocity
9 agreements with other states.

10 Sec. 14. NEW SECTION. 109B.14 REPORTS REQUIRED.

11 All commercial fishers, commercial turtle fishers, and
12 commercial mussel fishers shall submit a monthly report
13 supplying all information requested on forms furnished by the
14 commission. Reports must be received by the commission no
15 later than the fifteenth day of the following month.

16 Sec. 15. NEW SECTION. 109B.15 PENALTIES.

17 A person who violates a provision of this chapter or a rule
18 issued under this chapter is guilty of a simple misdemeanor.

19 Sec. 16. NEW SECTION. 110.20 RECIPROCITY.

20 Licenses for bait dealers or for fishing, hunting, or
21 trapping shall not be issued to residents of states that do
22 not sell similar licenses or certificates to residents of
23 Iowa. However, the licensing of nonresident bait dealers who
24 sell at wholesale to licensed dealers in Iowa for resale is
25 permitted.

26 Sec. 17. Section 110.1, subsections 5 and 6 and subsection
27 7, paragraphs a through e, Code 1985, are amended by striking
28 those subsections and paragraphs.

29 Sec. 18. Section 324.17, subsection 13, Code 1985, is
30 amended to read as follows:

31 13. A bona fide commercial fisher, licensed and operating
32 under an owner's certificate for commercial fishing gear
33 issued pursuant to section ~~110.1~~ shall be 109B.4 is entitled
34 to receive a motor fuel or special fuel tax refund under this
35 section.

1 Sec. 19. Section 422.110, subsection 4, Code 1985, is
2 amended to read as follows:

3 4. Motor fuel or special fuel used by a bona fide
4 commercial fisherman fisher, licensed and operating under an
5 owner's certificate for commercial fishing gear issued
6 pursuant to section ~~110.1~~ 109B.4.

7 Sec. 20. Sections 109.17, 109.29, 109.99 through 109.101,
8 109.105 through 109.118, and 110.2, Code 1985, are repealed.

9 EXPLANATION

10 This bill establishes the regulations for commercial
11 fishing in one chapter. New provisions are listed below.

12 Section 1 of the bill provides the state conservation
13 commission with the authority to prohibit commercial fishing,
14 to revoke the licenses of commercial fishers with repeat
15 convictions, to allow the use of fishing gear for evaluation,
16 and to set the size limits, mesh size limitations, species,
17 and seasons by rule.

18 Section 4 provides that a commercial fisher may have five
19 designated operators. A commercial fisher or a designated
20 operator must be present when the gear is operated. The section
21 also provides the extent a person can use trotlines on a sport
22 fishing license but forbids basket traps. The section also in-
23 creases the license fee for commercial fishing and lowers the
24 gear tag fees. The section establishes a commercial turtle
25 fishing license and increases the commercial mussel license fee.
26 The section provides that fish gear tags are interchangeable on
27 commercial fishing gear and provides for a ten-year tag.

28 Section 7 provides gear attendance requirements. Section 9
29 prohibits a commercial fisher from lifting and taking fish
30 from another commercial fisher's gear and prohibits a com-
31 mercial fisher who holds a sport fishing license from
32 possessing a game fish while engaged in commercial activities.

33 Sections 11 and 12 regulate the commercial taking of
34 turtles and mussels.

35 Section 14 requires monthly reports.

HOUSE FILE 2463

H-5495

1 Amend House File 2463 as follows:

2 1. Page 5, line 14, by striking the figure
3 "50.00" and inserting the following: "100.00".

4 2. Page 5, line 15, by striking the figure
5 "100.00" and inserting the following: "1500.00".

6 3. Page 5, by inserting after line 15 the
7 following:

8 "___ . Commercial mussel buyer, resident 500.00

9 ___ . Commercial mussel buyer, nonresident 2,500.00".

10 4. Page 9, line 16, by striking the words "one
11 hundred" and inserting the following: "twenty".

12 5. Page 9, line 17, by striking the words "two
13 hundred" and inserting the following: "twenty".

14 6. Page 9, line 21, by striking the words "one
15 hundred" and inserting the following: "twenty".

16 7. Page 9, line 22, by striking the words "two
17 hundred" and inserting the following: "twenty".

18 8. Page 9, by striking lines 24 through 26 and
19 inserting the following:

20 "c. A commercial mussel buyer license is required
21 to buy mussels or shells."

22 9. Page 10, by inserting after line 9 the
23 following:

24 "3. Whenever and so long as the states of
25 Wisconsin or Illinois confer upon the commercial
26 clamming licensees of this state reciprocal rights,
27 privileges and immunities, any commercial clamming
28 license issued by such other state shall entitle the
29 licensee to all the rights, privileges and immunities,
30 in and upon the boundary waters between Illinois and
31 this state and between Wisconsin and this state,
32 enjoyed by the holders of equivalent licenses issued
33 by this state; subject, however, to the duties,
34 responsibilities and liabilities imposed on its own
35 licensees by the laws of this state."

BY PLATT of Muscatine

BLACK of Jasper

DIEMER of Black Hawk

H-5495 FILED MARCH 20, 1986

Adopted 3/21 (p. 966)

HOUSE FILE 2463
BY COMMITTEE ON NATURAL
RESOURCES AND OUTDOOR
RECREATION

(As Amended and Passed by the House March 21, 1986)

Re Passed House, Date 4-14-86 (p. 1473) Passed Senate, Date 4-8-86 (p. 1126)
Vote: Ayes 93 Nays 1 Vote: Ayes 45 Nays 1
Approved April 28, 1986 (p. 185E)

A BILL FOR

1 An Act relating to commercial fishing and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

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16 or injurious aquatic organisms from the waters of the state.
17 The person receiving a permit or license shall comply with the
18 applicable provisions of this chapter.

19 3. Authorize the director to enter into written contracts
20 for the removal of underused, undesirable, or injurious
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25 commercial turtle fishing, and commercial mussel fishing in
26 any waters of the state.

27 5. Revoke the license of a licensee and the licensee's
28 designated operators for up to one year if the licensee or any
29 designated operator has been convicted of a violation of
30 chapter 109, 109B, or 110.

31 6. Regulate the numbers of commercial fishers, commercial
32 turtle fishers, and commercial mussel fishers and the amount,
33 type, seasonal use, mesh size, construction and design, manner
34 of use, and other criteria relating to the use of commercial
35 gear for any body of water or part thereof.

1 7. Establish catch quotas, seasons, size limits, and other
2 regulations for any species of commercial fish, turtles, or
3 mussels for any body of water or part thereof.

4 8. Designate by listing species as commercial fish,
5 turtles, or mussels.

6 9. Designate any body of water or its part as protected
7 habitat and restrict, prohibit, or otherwise regulate the
8 taking of commercial fish, turtles, and mussels in protected
9 habitat areas.

10 Employees of the commission may lift and inspect any
11 commercial gear at any time when being used and may inspect
12 commercial catches, commercial markets, and landings, and
13 examine catch records of commercial fishers, commercial turtle
14 fishers, and commercial mussel fishers upon demand.

15 Officers of the commission may seize and retain as evidence
16 any illegal fish, turtles, or mussels, or any illegal
17 commercial gear, or any other personal property used in
18 violation of any provision of the Code, and may confiscate any
19 untagged or illegal commercial gear as contraband.

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31 commercial fishers, commercial turtle fishers, and commercial
32 mussel fishers.

33 5. "Commercial mussel fisher" means a person who is
34 licensed to take and sell freshwater mussels from waters of
35 the state.

1 6. "Commercial mussel fishing" means taking, attempting to
2 take, or transporting of freshwater mussels for the purpose of
3 selling, bartering, exchanging, offering, or exposing for
4 sale.

5 7. "Commercial species" means species of fish, turtles,
6 and freshwater mussels which may be lawfully taken and sold by
7 commercial fishers, commercial turtle fishers, and commercial
8 mussel fishers, as established by rule by the commission.

9 8. "Commercial turtle fisher" means a person who is
10 licensed to take and sell turtles from the waters of the
11 state.

12 9. "Commercial turtle fishing" means taking, attempting to
13 take, or transporting of turtles for the purpose of selling,
14 bartering, exchanging, offering, or exposing for sale.

15 10. "Constant attendance" means the presence of a
16 commercial fisher or a designated operator whenever commercial
17 gear is in use.

18 11. "Director" means the director of the Iowa state
19 conservation commission, and the director's duly authorized
20 assistants, deputies, or agents.

21 12. "Game fish" means all species and size categories of
22 fish not included as "commercial species" or minnows.

23 13. "Inland waters of the state" means all public waters
24 of the state excluding the boundary waters of the Mississippi,
25 Big Sioux, and Missouri rivers.

26 14. "Licensed commercial gear" means any commercial gear
27 that is licensed as provided in this chapter and that, when in
28 use, has attached the proper tags as provided by this chapter.

29 15. "Nonresident or alien" means a person who does not
30 qualify as a resident of the state of Iowa either because of a
31 bona fide residence in another state or because of citizenship
32 of a country other than the United States. However, "alien"
33 does not include a person who has applied for naturalization
34 papers.

35 16. "Resident" means a person who is legally subject to

1 motor vehicle registration and driver's license laws of this
2 state, or who is qualified to vote in an election of this
3 state.

4 17. "Waters of the state" means all of the waters under
5 the jurisdiction of the state.

6 Sec. 3. NEW SECTION. 109B.3 COMMERCIAL FISHING -- WHERE
7 PERMITTED.

8 It is unlawful to use commercial gear in the taking of
9 commercial fish, turtles, and mussels from the waters of the
10 state, except as otherwise provided by statute or
11 administrative rules of the commission.

12 Sec. 4. NEW SECTION. 109B.4 COMMERCIAL LICENSES AND GEAR
13 TAGS.

14 1. A person shall not use or operate commercial gear
15 without possessing an appropriate valid commercial license, or
16 a designated operator's license. A license is valid from the
17 date of issue to January 10 of the succeeding calendar year
18 for which it was issued.

19 2. It is lawful for a commercial fisher to designate a
20 person as a designated operator to lift and to fish with any
21 or all licensed commercial fishing gear owned by the
22 commercial fisher. The commercial fisher shall submit the
23 names and addresses of the persons to be designated as
24 designated operators when applying for a commercial fishing
25 license. A commercial fisher shall not have more than five
26 designated operators. A designated operator shall not lift or
27 fish any commercial fishing gear without having first procured
28 a designated operator's license.

29 3. A boundary water annual sport trotline license permits
30 the licensee to use a maximum of four trotlines with two
31 hundred hooks in the aggregate. All boundary water sport
32 trotlines shall be tagged with the name and address of the
33 licensee on a metal tag affixed above the waterline.

34 4. Commercial fishers and turtle fishers shall purchase
35 gear tags from the commission to be affixed to each piece of

gear in use. All tags are valid for ten years from the date of issue. In addition to the gear tags, all gear shall be tagged with a metal tag showing the name and address of the licensee and whether the gear is fish or turtle gear.

5. All numbered fish gear tags are interchangeable among the different types of commercial fishing gear.

6. Annual license fees are as follows:

8	a. Commercial fishing, resident	\$200.00
9	b. Commercial fishing, nonresident	400.00
10	c. Designated operator, resident	50.00
11	d. Designated operator, nonresident	100.00
12	e. Commercial turtle, resident	50.00
13	f. Commercial turtle, nonresident	100.00
14	g. Commercial mussel, resident	<u>100.00</u>
15	h. Commercial mussel, nonresident	<u>1500.00</u>
16	<u>i. Commercial mussel buyer, resident</u>	<u>500.00</u>
17	<u>j. Commercial mussel buyer, nonresident</u>	<u>2,500.00</u>

18	k. Boundary water sport trotline, resident	10.00
19	l. Boundary water sport trotline, nonresident	20.00

20	7. Commercial fish gear tags are required on the following	
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21 units of commercial fishing gear at the listed fee:

22	a. Seine, resident, one gear tag for each 100	
23	feet or fraction thereof	\$1.00
24	b. Seine, nonresident, one gear tag for each	
25	100 feet or fraction thereof	2.00
26	c. Trammel net, resident, one gear tag for each	
27	100 feet or fraction thereof	1.00
28	d. Trammel net, nonresident, one gear tag for	
29	each 100 feet or fraction thereof	2.00
30	e. Gill net, resident, one gear tag for each	
31	100 feet or fraction thereof	1.00
32	f. Gill net, nonresident, one gear tag for each	
33	100 feet or fraction thereof	2.00
34	g. Entrapment nets, resident, one gear tag per	
35	net	1.00

- 1 h. Entrapment nets, nonresident, one gear tag
- 2 per net 2.00
- 3 i. Commercial trotline, resident, one gear tag
- 4 for each 50 hooks or less 1.00
- 5 j. Commercial trotline, nonresident, one gear
- 6 tag for each 50 hooks or less 2.00
- 7 8. Turtle trap gear tags are not interchangeable with
- 8 other commercial gear. Turtle trap gear tag fees are as
- 9 follows:
- 10 a. Commercial turtle trap, resident, one gear
- 11 tag per trap 1.00
- 12 b. Commercial turtle trap, nonresident, one
- 13 gear tag per trap 2.00

14 Sec. 5. NEW SECTION. 109B.5 COMMERCIAL GEAR.

15 It is lawful for a person who is legally licensed to
 16 commercial fish to use the commercial fishing gear of a
 17 design, construction, size, season and all other criteria
 18 established by the commission for taking those species of fish
 19 and turtles designated by the commission by rule.

20 Sec. 6. NEW SECTION. 109B.6 TAGGING OF COMMERCIAL GEAR.

21 1. Each trotline shall have the tags affixed to one end.
 22 Each hoop net, slat net, trap net, and turtle trap shall have
 23 the appropriate tag affixed to the end nearest the pot. Each
 24 gill net and each trammel net shall have the tags affixed to
 25 the float line nearest the shore stake, but when fished under
 26 ice, the tags shall be affixed to the float line nearest the
 27 take-out hole. Each seine shall have the tags affixed to one
 28 end.

29 Sec. 7. NEW SECTION. 109B.7 GEAR ATTENDANCE.

30 1. The licensee or a designated operator must be present
 31 when lifting commercial gear. Commercial gear shall be lifted
 32 and emptied of catch as provided by the rules of the
 33 commission. Constant attendance by the licensee or a
 34 designated operator of seines, trammel nets, and gill nets is
 35 required when the gear is fished by driving, drive-seining,

1 seining, floating, or drifting methods. Officers of the
2 commission shall grant a reasonable extension of gear
3 attendance intervals in cases of inclement weather or unsafe
4 conditions.

5 Sec. 8. NEW SECTION. 109B.8 BAITs.

6 1. It is lawful for licensed commercial fishers,
7 designated operators, commercial turtle fishers, and licensed
8 sport trotline fishers to pursue, take, possess, and transport
9 any commercial fish or their parts, bait fish, turtles, frogs,
10 salamanders, leeches, crayfish, or any other aquatic inverte-
11 brates for bait unless otherwise prohibited by law.

12 2. It is lawful to use any member of the following
13 families as bait fish in boundary waters: Cyprinidae, the
14 minnows; Catostomidae, the suckers; Umbridae, the mudminnows;
15 Clupeidae, the herrings; Hiodontidae, the mooneyes; Amiidae,
16 the bowfin unless otherwise prohibited by law.

17 3. It is lawful to use green sunfish, *Lepomis cyanellus*,
18 and orange-spotted sunfish, *Lepomis humilis*, for bait fish.

19 4. It is lawful to use minnow seines for taking bait in
20 the boundary waters. Minnow seines may not exceed fifty feet
21 in length and eight feet in depth.

22 Sec. 9. NEW SECTION. 109B.9 UNLAWFUL METHODS.

23 It is unlawful:

24 1. To use commercial gear which is not in accordance with
25 this chapter or the rules of the commission.

26 2. To use commercial gear within nine hundred feet from a
27 navigation dam on the boundary waters.

28 3. To use commercial gear within three hundred feet from
29 the mouth of a tributary stream emptying into the boundary
30 waters.

31 4. For a person to lift or to fish licensed commercial
32 gear of another person, except by the licensee and the
33 licensee's designated operators.

34 5. To employ chemicals, electricity, or explosives into
35 the water for taking fish, turtles, or freshwater mussels

1 except as authorized by the director.

2 6. To have in one's possession game fish or other fish,
3 turtles, or mussels deemed illegal by other provisions of law
4 while engaged in commercial activities. A fish caught in
5 commercial fishing that is not lawful to possess shall be
6 handled with wet hands and immediately released under water
7 with as little injury as possible.

8 7. To block or inhibit navigation through channels with
9 commercial fishing gear unless a minimum of three feet of
10 water depth is maintained over float lines of any entanglement
11 gear or leads to trap nets. Gear shall not block over one-
12 half the width of a navigable channel if there is less than
13 three feet of water over the gear.

14 Sec. 10. NEW SECTION. 109B.10 SALE OF COMMERCIAL FISH.

15 1. A person possessing a commercial fishing license or
16 designated operator's license may possess and sell any
17 commercial fish, turtles, or freshwater mussels, or their
18 parts, which have been lawfully taken.

19 2. All intrastate and interstate shipments of commercial
20 fish or turtles must be accompanied by a label which shows the
21 name and address of the seller and the kinds and pounds of the
22 catches being sold. Individuals purchasing fish, turtles, or
23 mussels from a commercial fisher, turtle fisher, or mussel
24 fisher need not possess a license.

25 Sec. 11. NEW SECTION. 109B.11 TURTLES.

26 1. A person shall not take, possess, or sell turtles from
27 the waters of the state without an appropriate license.

28 a. A valid sport fishing license entitles a person to take
29 and possess a maximum of one hundred pounds of live turtles or
30 fifty pounds of dressed turtles. The sale of live or dressed
31 turtles is not permitted with a sport fishing license.

32 b. A commercial turtle license is required to take and
33 possess more than one hundred pounds of live or fifty pounds
34 of dressed turtles. The holder of a commercial turtle license
35 may sell live or dressed turtles.

1 c. A commercial fishing license or a designated operator's
2 license entitles fishers to operate any licensed commercial
3 fishing gear for taking, possessing, or selling turtles.

4 2. It is unlawful to take, possess, or sell any species of
5 turtles except those designated by the commission by rule.

6 3. The method of taking turtles shall only be by hand,
7 turtle hook, turtle trap, licensed commercial fishing gear, or
8 other means designated by commission rules. Sport fishers may
9 also use hook-and-line in catching turtles.

10 4. Any unattended fishing gear used to take turtles on a
11 sport fishing license shall have affixed a metal tag provided
12 by the owner bearing the owner's name and address.

13 Sec. 12. NEW SECTION. 109B.12 FRESHWATER MUSSELS.

14 1. A person shall not take, possess, or sell freshwater
15 mussels from the waters of the state without an appropriate
16 license.

17 a. A sport fishing license entitles a person to take and
18 possess a maximum of twenty pounds of mussels or shells daily.
19 The possession limit for each licensee is twenty pounds of
20 live mussels or shells. Sale of mussels or shells is not
21 permitted with a sport fishing license.

22 b. A commercial mussel license is required to take more
23 than twenty pounds of mussels or shells daily, or possess more
24 than twenty pounds of mussels or shells. The holder of a
25 commercial mussel license may sell mussels or shells.

26 c. A commercial mussel buyer license is required to buy
27 mussels or shells.

28 2. A person may take all species of freshwater mussels, or
29 their parts, except where otherwise prohibited by rules of the
30 commission.

31 3. The method of taking freshwater mussels shall only be
32 by hand, by diving, or by crowfoot bar, a device designed to
33 catch mussels by inserting hooks between the shells, or by
34 other means designated by rules of the commission. A crowfoot
35 bar shall not exceed twenty feet in length and a licensee

1 shall not fish more than three bars.

2 Sec. 13. NEW SECTION. 109B.13 RECIPROCITY FOR COMMERCIAL
3 FISHING, COMMERCIAL TURTLE FISHING, AND COMMERCIAL MUSSEL
4 FISHING.

5 1. Reciprocal commercial fishing, commercial turtle
6 fishing, and commercial freshwater mussel fishing privileges
7 are contingent upon a grant of similar privileges by the ap-
8 propriate state to residents of this state.

9 2. The commission may negotiate commercial reciprocity
10 agreements with other states.

52-011 11 3. Whenever and so long as the states of Wisconsin or
12 Illinois confer upon the commercial clamming licensees of this
13 state reciprocal rights, privileges and immunities, any
14 commercial clamming license issued by such other state shall
15 entitle the licensee to all the rights, privileges and
16 immunities, in and upon the boundary waters between Illinois
17 and this state and between Wisconsin and this state, enjoyed
18 by the holders of equivalent licenses issued by this state;
19 subject, however, to the duties, responsibilities and
20 liabilities imposed on its own licensees by the laws of this
21 state.

22 Sec. 14. NEW SECTION. 109B.14 REPORTS REQUIRED.

23 All commercial fishers, commercial turtle fishers, and
24 commercial mussel fishers shall submit a monthly report
25 supplying all information requested on forms furnished by the
26 commission. Reports must be received by the commission no
27 later than the fifteenth day of the following month.

28 Sec. 15. NEW SECTION. 109B.15 PENALTIES.

29 A person who violates a provision of this chapter or a rule
30 issued under this chapter is guilty of a simple misdemeanor.

31 Sec. 16. NEW SECTION. 110.20 RECIPROCITY.

32 Licenses for bait dealers or for fishing, hunting, or
33 trapping shall not be issued to residents of states that do
34 not sell similar licenses or certificates to residents of
35 Iowa. However, the licensing of nonresident bait dealers who

1 sell at wholesale to licensed dealers in Iowa for resale is
2 permitted.

3 Sec. 17. Section 110.1, subsections 5 and 6 and subsection
4 7, paragraphs a through e, Code 1985, are amended by striking
5 those subsections and paragraphs.

6 Sec. 18. Section 324.17, subsection 13, Code 1985, is
7 amended to read as follows:

8 13. A bona fide commercial fisher, licensed and operating
9 under an owner's certificate for commercial fishing gear
10 issued pursuant to section ~~110.1~~ 109B.4 is entitled
11 to receive a motor fuel or special fuel tax refund under this
12 section.

13 Sec. 19. Section 422.110, subsection 4, Code 1985, is
14 amended to read as follows:

15 4. Motor fuel or special fuel used by a bona fide
16 commercial ~~fisherman~~ fisher, licensed and operating under an
17 owner's certificate for commercial fishing gear issued
18 pursuant to section ~~110.1~~ 109B.4.

19 Sec. 20. Sections 109.17, 109.29, 109.99 through 109.101,
20 109.105 through 109.118, and 110.2, Code 1985, are repealed.

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HOUSE FILE 2463

S-5636

1 Amend House File 2463 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 5, line 1, by inserting after the word
4 "use." the following: "Notwithstanding the fee rates
5 for gear tags of subsection 7, the minimum fee for a
6 gear tag is five dollars."

S-5636 Filed April 8, 1986

BY PRIEBE, TIEDEN

ADOPTED (p. 1126)

HOUSE FILE 2463

S-5640

1 Amend House File 2463 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 5, line 14, by striking the figure
4 "100.00" and inserting the figure "30.00".

5 2. Page 5, line 15, by striking the figure
6 "1500.00" and inserting the figure "400.00".

7 3. Page 5, line 16, by striking the figure
8 "500.00" and inserting the figure "300.00".

9 4. Page 10, by striking lines 11 through 21 and
10 inserting the following:

11 "3. Whenever and so long as the states of
12 Minnesota, Wisconsin, Illinois, or Missouri confer
13 upon the commercial clamming licensees of this state
14 reciprocal rights, privileges and immunities, any
15 commercial clamming license issued by such other state
16 shall entitle the licensee to all the rights,
17 privileges and immunities, in and upon the boundary
18 waters between Illinois and this state and between
19 Wisconsin and this state, enjoyed by the holders of
20 equivalent licenses issued by this state; subject,
21 however, to the duties, responsibilities and
22 liabilities imposed on its own licensees by the laws
23 of this state."

24 5. Page 11, by inserting after line 20 the
25 following:

26 "Sec. 20. Section 4, subsection 6, paragraph "g"
27 through "j" and section 13, subsection 3 of this Act,
28 being deemed of immediate importance, shall take
29 effect from and after the Act's publication in the
30 Muscatine Journal, a newspaper published in Muscatine,
31 Iowa and in the North Iowa Times, a newspaper
32 published in McGregor, Iowa."

S-5640 Filed April 8, 1986

BY TIEDEN

ADOPTED (p. 1126)

SENATE AMENDMENT TO HOUSE FILE 2463

H-5792

1 Amend House File 2463 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 5, line 1, by inserting after the word
4 "use." the following: "Notwithstanding the fee rates
5 for gear tags of subsection 7, the minimum fee for a
6 gear tag is five dollars."

7 2. Page 5, line 14, by striking the figure
8 "100.00" and inserting the figure "30.00".

9 3. Page 5, line 15, by striking the figure
10 "1500.00" and inserting the figure "400.00".

11 4. Page 5, line 16, by striking the figure
12 "500.00" and inserting the figure "300.00".

13 5. Page 10, by striking lines 11 through 21 and
14 inserting the following:

15 "3. Whenever and so long as the states of
16 Minnesota, Wisconsin, Illinois, or Missouri confer
17 upon the commercial clamming licensees of this state
18 reciprocal rights, privileges and immunities, any
19 commercial clamming license issued by such other state
20 shall entitle the licensee to all the rights,
21 privileges and immunities, in and upon the boundary
22 waters between Illinois and this state and between
23 Wisconsin and this state, enjoyed by the holders of
24 equivalent licenses issued by this state; subject,
25 however, to the duties, responsibilities and
26 liabilities imposed on its own licensees by the laws
27 of this state."

28 6. Page 11, by inserting after line 20 the
29 following:

30 "Sec. 20. Section 4, subsection 6, paragraph "g"
31 through "j" and section 13, subsection 3 of this Act,
32 being deemed of immediate importance, shall take
33 effect from and after the Act's publication in the
34 Muscatine Journal, a newspaper published in Muscatine,
35 Iowa and in the North Iowa Times, a newspaper
36 published in McGregor, Iowa."

37 7. By renumbering, relettering, or redesignating
38 and correcting internal references as necessary.

H-5792 FILED APRIL 10, 1986 RECEIVED FROM THE SENATE

House concurred 4/14/86 (p. 1473)

7000
HF 2463

NSB 683

NATURAL RESOURCES AND
OUTDOOR RECREATION

SENATE/HOUSE FILE _____

BY (PREFILED STATE CONSERVA-
TION COMMISSION BILL)

Study Bill 683

Natural Resources and Outdoor Recreation: Groth. Chair: Knapp and Stueland.

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to commercial fishing and providing penalties.

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

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1 Section 1. NEW SECTION. 109B.1 AUTHORITY OF THE COMMIS-
2 SION.

3 The state conservation commission shall observe, adminis-
4 ter, and enforce this chapter. The state conservation commis-
5 sion may adopt and enforce rules under chapter 17A as
6 necessary to carry out this chapter.

7 The state conservation commission may:

8 1. Remove or cause to be removed from the waters of the
9 state any aquatic species that in the judgment of the
10 commission is an underused renewable resource or has a
11 detrimental effect on other aquatic populations. All proceeds
12 from a sale of these aquatic organisms shall be credited to
13 the state fish and game protection fund.

14 2. Issue to any person a permit or license authorizing
15 that person to take, possess, and sell underused, undesirable,
16 or injurious aquatic organisms from the waters of the state.
17 The person receiving a permit or license shall comply with the
18 applicable provisions of this chapter.

19 3. Authorize the director to enter into written contracts
20 for the removal of underused, undesirable, or injurious
21 organisms from the waters of the state. The contracts shall
22 specify all terms and conditions desired. Sections 109.115,
23 109B.4, 109B.6, and 109B.14 do not apply to these contracts.

24 4. Prohibit, restrict, or regulate commercial fishing,
25 commercial turtle fishing, and commercial mussel fishing in
26 any waters of the state.

27 5. Revoke the license of a licensee and the licensee's
28 designated operators for up to one year if the licensee or any
29 designated operator has been convicted of a violation of
30 chapter 109, 109B, or 110.

31 6. Regulate the numbers of commercial fishers, commercial
32 turtle fishers, and commercial mussel fishers and the amount,
33 type, seasonal use, mesh size, construction and design, manner
34 of use, and other criteria relating to the use of commercial
35 gear for any body of water or part thereof.

1 7. Establish catch quotas, seasons, size limits, and other
2 regulations for any species of commercial fish, turtles, or
3 mussels for any body of water or part thereof.

4 8. Designate by listing species as commercial fish,
5 turtles, or mussels.

6 9. Designate any body of water or its part as protected
7 habitat and restrict, prohibit, or otherwise regulate the
8 taking of commercial fish, turtles, and mussels in protected
9 habitat areas.

10 Employees of the commission may lift and inspect any
11 commercial gear at any time when being used and may inspect
12 commercial catches, commercial markets, and landings, and
13 examine catch records of commercial fishers, commercial turtle
14 fishers, and commercial mussel fishers upon demand.

15 Officers of the commission may seize and retain as evidence
16 any illegal fish, turtles, or mussels, or any illegal
17 commercial gear, or any other personal property used in
18 violation of any provision of the Code, and may confiscate any
19 untagged or illegal commercial gear as contraband.

20 Sec. 2. NEW SECTION. 109B.2 DEFINITIONS.

21 As used in this chapter, unless the context otherwise
22 requires:

23 1. "Boundary waters" means the waters of the Mississippi,
24 Missouri, and Big Sioux rivers.

25 2. "Commercial fisher" means a person who is licensed to
26 take and sell fish from waters of the state.

27 3. "Commercial fishing" means taking, attempting to take,
28 or transporting of fish for the purpose of selling, bartering,
29 exchanging, offering, or exposing for sale.

30 4. "Commercial gear" means the capturing equipment used by
31 commercial fishers, commercial turtle fishers, and commercial
32 mussel fishers.

33 5. "Commercial mussel fisher" means a person who is
34 licensed to take and sell freshwater mussels from waters of
35 the state.

1 6. "Commercial mussel fishing" means taking, attempting to
2 take, or transporting of freshwater mussels for the purpose of
3 selling, bartering, exchanging, offering, or exposing for
4 sale.

5 7. "Commercial species" means species of fish, turtles,
6 and freshwater mussels which may be lawfully taken and sold by
7 commercial fishers, commercial turtle fishers, and commercial
8 mussel fishers, as established of rule by the commission.

9 8. "Commercial turtle fisher" means a person who is
10 licensed to take and sell turtles from the waters of the
11 state.

12 9. "Commercial turtle fishing" means taking, attempting to
13 take, or transporting of turtles for the purpose of selling,
14 bartering, exchanging, offering, or exposing for sale.

15 10. "Constant attendance" means the presence of a
16 commercial fisher or a designated operator whenever commercial
17 gear is in use.

18 11. "Director" means the director of the Iowa state
19 conservation commission, and the director's duly authorized
20 assistants, deputies, or agents.

21 12. "Game fish" means all species and size categories of
22 fish not included as "commercial species" or minnows.

23 13. "Inland waters of the state" means all public waters
24 of the state excluding the boundary waters of the Mississippi,
25 Big Sioux, and Missouri rivers.

26 14. "Licensed commercial gear" means any commercial gear
27 that is licensed as provided in this chapter and that, when in
28 use, has attached the proper tags as provided by this chapter.

29 15. "Nonresident or alien" means a person who does not
30 qualify as a resident of the state of Iowa either because of a
31 bona fide residence in another state or because of citizenship
32 of a country other than the United States. However, "alien"
33 does not include a person who has applied for naturalization
34 papers.

35 16. "Resident" means a person who is legally subject to

1 motor vehicle registration and driver's license laws of this
2 state, or who is qualified to vote in an election of this
3 state.

4 17. "Waters of the state" means all of the waters under
5 the jurisdiction of the state.

6 Sec. 3. NEW SECTION. 109B.3 COMMERCIAL FISHING -- WHERE
7 PERMITTED.

8 It is unlawful to use commercial gear in the taking of
9 commercial fish, turtles, and mussels from the waters of the
10 state, except as otherwise provided by statute or
11 administrative rules of the commission.

12 Sec. 4. NEW SECTION. 109B.4 COMMERCIAL LICENSES AND GEAR
13 TAGS.

14 1. A person shall not use or operate commercial gear
15 without possessing an appropriate valid commercial license, or
16 a designated operator's license. A license is valid from the
17 date of issue to January 10 of the succeeding calendar year
18 for which it was issued.

19 2. It is lawful for a commercial fisher to designate a
20 person as a designated operator to lift and to fish with any
21 or all licensed commercial fishing gear owned by the
22 commercial fisher. The commercial fisher shall submit the
23 names and addresses of the persons to be designated as
24 designated operators when applying for a commercial fishing
25 license. A commercial fisher shall not have more than five
26 designated operators. A designated operator shall not lift or
27 fish any commercial fishing gear without having first procured
28 a designated operator's license.

29 3. A boundary water annual sport trotline license permits
30 the licensee to use a maximum of four trotlines with two
31 hundred hooks in the aggregate. All boundary water sport
32 trotlines shall be tagged with the name and address of the
33 licensee on a metal tag affixed above the waterline.

34 4. Commercial fishers and turtle fishers shall purchase
35 gear tags from the commission to be affixed to each piece of

1 gear in use. All tags are valid for ten years from the date
 2 of issue. In addition to the gear tags, all gear shall be
 3 tagged with a metal tag showing the name and address of the
 4 licensee and whether the gear is fish or turtle gear.

5 5. All numbered fish gear tags are interchangeable among
 6 the different types of commercial fishing gear.

7 6. Annual license fees are as follows:

8	a. Commercial fishing, resident	\$200.00
9	b. Commercial fishing, nonresident	400.00
10	c. Designated operator, resident	50.00
11	d. Designated operator, nonresident	100.00
12	e. Commercial turtle, resident	50.00
13	f. Commercial turtle, nonresident	100.00
14	g. Commercial mussel, resident	50.00
15	h. Commercial mussel, nonresident	100.00
16	i. Boundary water sport trotline, resident	10.00
17	j. Boundary water sport trotline, nonresident	20.00

18 7. Commercial fish gear tags are required on the following
 19 units of commercial fishing gear at the listed fee:

20	a. Seine, resident, one gear tag for each 100	
21	feet or fraction thereof	\$1.00
22	b. Seine, nonresident, one gear tag for each	
23	100 feet or fraction thereof	2.00
24	c. Trammel net, resident, one gear tag for each	
25	100 feet or fraction thereof	1.00
26	d. Trammel net, nonresident, one gear tag for	
27	each 100 feet or fraction thereof	2.00
28	e. Gill net, resident, one gear tag for each	
29	100 feet or fraction thereof	1.00
30	f. Gill net, nonresident, one gear tag for each	
31	100 feet or fraction thereof	2.00
32	g. Entrapment nets, resident, one gear tag per	
33	net	1.00
34	h. Entrapment nets, nonresident, one gear tag	
35	per net	2.00

1 i. Commercial trotline, resident, one gear tag
 2 for each 50 hooks or less 1.00

3 j. Commercial trotline, nonresident, one gear
 4 tag for each 50 hooks or less 2.00

5 8. Turtle trap gear tags are not interchangeable with
 6 other commercial gear. Turtle trap gear tag fees are as
 7 follows:

8 a. Commercial turtle trap, resident, one gear
 9 tag per trap 1.00

10 b. Commercial turtle trap, nonresident, one
 11 gear tag per trap 2.00

12 Sec. 5. NEW SECTION. 109B.5 COMMERCIAL GEAR.

13 It is lawful for a person who is legally licensed to
 14 commercial fish to use the commercial fishing gear of a
 15 design, construction, size, season and all other criteria
 16 established by the commission for taking those species of fish
 17 and turtles designated by the commission by rule.

18 Sec. 6. NEW SECTION. 109B.6 TAGGING OF COMMERCIAL GEAR.

19 1. Each trotline shall have the tags affixed to one end.
 20 Each hoop net, slat net, trap net, and turtle trap shall have
 21 the appropriate tag affixed to the end nearest the pot. Each
 22 gill net and each trammel net shall have the tags affixed to
 23 the float line nearest the shore stake, but when fished under
 24 ice, the tags shall be affixed to the float line nearest the
 25 take-out hole. Each seine shall have the tags affixed to one
 26 end.

27 Sec. 7. NEW SECTION. 109B.7 GEAR ATTENDANCE.

28 1. The licensee or a designated operator must be present
 29 when lifting commercial gear. Commercial gear shall be lifted
 30 and emptied of catch as provided by the rules of the
 31 commission. Constant attendance by the licensee or a
 32 designated operator of seines, trammel nets, and gill nets is
 33 required when the gear is fished by driving, drive-seining,
 34 seining, floating, or drifting methods. Officers of the
 35 commission shall grant a reasonable extension of gear

1 attendance intervals in cases of inclement weather or unsafe
2 conditions.

3 Sec. 8. NEW SECTION. 109B.8 BAITTS.

4 1. It is lawful for licensed commercial fishers,
5 designated operators, commercial turtle fishers, and licensed
6 sport trotline fishers to pursue, take, possess, and transport
7 any commercial fish or their parts, bait fish, turtles, frogs,
8 salamanders, leeches, crayfish, or any other aquatic inverte-
9 brates for bait unless otherwise prohibited by law.

10 2. It is lawful to use any member of the following
11 families as bait fish in boundary waters: Cyprinidae, the
12 minnows; Catostomidae, the suckers; Umbridae, the mudminnows;
13 Clupeidae, the herrings; Hiodontidae, the mooneyes; Amiidae,
14 the bowfin unless otherwise prohibited by law.

15 3. It is lawful to use green sunfish, *Lepomis cyanellus*,
16 and orange-spotted sunfish, *Lepomis humilis*, for bait fish.

17 4. It is lawful to use minnow seines for taking bait in
18 the boundary waters. Minnow seines may not exceed fifty feet
19 in length and eight feet in depth.

20 Sec. 9. NEW SECTION. 109B.9 UNLAWFUL METHODS.

21 It is unlawful:

22 1. To use commercial gear which is not in accordance with
23 this chapter or the rules of the commission.

24 2. To use commercial gear within nine hundred feet from a
25 navigation dam on the boundary waters.

26 3. To use commercial gear within three hundred feet from
27 the mouth of a tributary stream emptying into the boundary
28 waters.

29 4. For a person to lift or to fish licensed commercial
30 gear of another person, except by the licensee and the
31 licensee's designated operators.

32 5. To employ chemicals, electricity, or explosives into
33 the water for taking fish, turtles, or freshwater mussels
34 except as authorized by the director.

35 6. To have in one's possession game fish or other fish,

1 turtles, or mussels deemed illegal by other provisions of law
2 while engaged in commercial activities. A fish caught in
3 commercial fishing that is not lawful to possess shall be
4 handled with wet hands and immediately released under water
5 with as little injury as possible.

6 7. To block or inhibit navigation through channels with
7 commercial fishing gear unless a minimum of three feet of
8 water depth is maintained over float lines of any entanglement
9 gear or leads to trap nets. Gear shall not block over one-
10 half the width of a navigable channel if there is less than
11 three feet of water over the gear.

12 Sec. 10. NEW SECTION. 109B.10 SALE OF COMMERCIAL FISH.

13 1. A person possessing a commercial fishing license or
14 designated operator's license may possess and sell any
15 commercial fish, turtles, or freshwater mussels, or their
16 parts, which have been lawfully taken.

17 2. All intrastate and interstate shipments of commercial
18 fish or turtles must be accompanied by a label which shows the
19 name and address of the seller and the kinds and pounds of the
20 catches being sold. Individuals purchasing fish, turtles, or
21 mussels from a commercial fisher, turtle fisher, or mussel
22 fisher need not possess a license.

23 Sec. 11. NEW SECTION. 109B.11 TURTLES.

24 1. A person shall not take, possess, or sell turtles from
25 the waters of the state without an appropriate license.

26 a. A valid sport fishing license entitles a person to take
27 and possess a maximum of one hundred pounds of live turtles or
28 fifty pounds of dressed turtles. The sale of live or dressed
29 turtles is not permitted with a sport fishing license.

30 b. A commercial turtle license is required to take and
31 possess more than one hundred pounds of live or fifty pounds
32 of dressed turtles. The holder of a commercial turtle license
33 may sell live or dressed turtles.

34 c. A commercial fishing license or a designated operator's
35 license entitles fishers to operate any licensed commercial

1 fishing gear for taking, possessing, or selling turtles.

2 2. It is unlawful to take, possess, or sell any species of
3 turtles except those designated by the commission by rule.

4 3. The method of taking turtles shall only be by hand,
5 turtle hook, turtle trap, licensed commercial fishing gear, or
6 other means designated by commission rules. Sport fishers may
7 also use hook-and-line in catching turtles.

8 4. Any unattended fishing gear used to take turtles on a
9 sport fishing license shall have affixed a metal tag provided
10 by the owner bearing the owner's name and address.

11 Sec. 12. NEW SECTION. 109B.12 FRESHWATER MUSSELS.

12 1. A person shall not take, possess, or sell freshwater
13 mussels from the waters of the state without an appropriate
14 license.

15 a. A sport fishing license entitles a person to take and
16 possess a maximum of one hundred pounds of mussels or shells
17 daily. The possession limit for each licensee is two hundred
18 pounds of live mussels or shells. Sale of mussels or shells
19 is not permitted with a sport fishing license.

20 b. A commercial mussel license is required to take more
21 than one hundred pounds of mussels or shells daily, or possess
22 more than two hundred pounds of mussels or shells. The holder
23 of a commercial mussel license may sell mussels or shells.

24 c. A commercial fishing license or designated operator's
25 license entitles a person to take, possess, and sell a maximum
26 of two hundred pounds of freshwater mussels daily.

27 2. A person may take all species of freshwater mussels, or
28 their parts, except where otherwise prohibited by rules of the
29 commission.

30 3. The method of taking freshwater mussels shall only be
31 by hand, by diving, or by crowfoot bar, a device designed to
32 catch mussels by inserting hooks between the shells, or by
33 other means designated by rules of the commission. A crowfoot
34 bar shall not exceed twenty feet in length and a licensee
35 shall not fish more than three bars.

1 Sec. 13. NEW SECTION. 109B.13 RECIPROCITY FOR COMMERCIAL
2 FISHING, COMMERCIAL TURTLE FISHING, AND COMMERCIAL MUSSEL
3 FISHING.

4 1. Reciprocal commercial fishing, commercial turtle
5 fishing, and commercial freshwater mussel fishing privileges
6 are contingent upon a grant of similar privileges by the ap-
7 propriate state to residents of this state.

8 2. The commission may negotiate commercial reciprocity
9 agreements with other states.

10 Sec. 14. NEW SECTION. 109B.14 REPORTS REQUIRED.

11 All commercial fishers, commercial turtle fishers, and
12 commercial mussel fishers shall submit a monthly report
13 supplying all information requested on forms furnished by the
14 commission. Reports must be received by the commission no
15 later than the fifteenth day of the following month.

16 Sec. 15. NEW SECTION. 109B.15 PENALTIES.

17 A person who violates a provision of this chapter or a rule
18 issued under this chapter is guilty of a simple misdemeanor.

19 Sec. 16. NEW SECTION. 110.20 RECIPROCITY.

20 Licenses for bait dealers or for fishing, hunting, or
21 trapping shall not be issued to residents of states that do
22 not sell similar licenses or certificates to residents of
23 Iowa. However, the licensing of nonresident bait dealers who
24 sell at wholesale to licensed dealers in Iowa for resale is
25 permitted.

26 Sec. 17. Section 110.1, subsections 5 and 6 and subsection
27 7, paragraphs a through e, Code 1985, are amended by striking
28 those subsections and paragraphs.

29 Sec. 18. Section 324.17, subsection 13, Code 1985, is
30 amended to read as follows:

31 13. A bona fide commercial fisher, licensed and operating
32 under an owner's certificate for commercial fishing gear
33 issued pursuant to section ~~110.1~~ shall be 109B.4 is entitled
34 to receive a motor fuel or special fuel tax refund under this
35 section.

1 Sec. 19. Section 422.110, subsection 4, Code 1985, is
2 amended to read as follows:

3 4. Motor fuel or special fuel used by a bona fide
4 commercial fisherman fisher, licensed and operating under an
5 owner's certificate for commercial fishing gear issued
6 pursuant to section ~~109B.4~~ 109B.4.

7 Sec. 20. Sections 109.17, 109.29, 109.99 through 109.101,
8 109.105 through 109.118, and 110.2, Code 1985, are repealed.

9 EXPLANATION

10 This bill establishes the regulations for commercial
11 fishing in one chapter. New provisions are listed below.

12 Section 1 of the bill provides the state conservation
13 commission with the authority to prohibit commercial fishing,
14 to revoke the licenses of commercial fishers with repeat
15 convictions, to allow the use of fishing gear for evaluation,
16 and to set the size limits, mesh size limitations, species,
17 and seasons by rule.

18 Section 4 provides that a commercial fisher may have five
19 designated operators. A commercial fisher or a designated
20 operator must be present when the gear is operated. The
21 section also provides the extent a person can use trotlines on
22 a sport fishing license but forbids basket traps. The section
23 also increases the license fee for commercial fishing and
24 lowers the gear tag fees. The section establishes a
25 commercial turtle fishing license and increases the commercial
26 mussel license fee. The section provides that fish gear tags
27 are interchangeable on commercial fishing gear and provides
28 for a ten-year tag.

29 Section 7 provides gear attendance requirements. Section 9
30 prohibits a commercial fisher from lifting and taking fish
31 from another commercial fisher's gear and prohibits a com-
32 mercial fisher who holds a sport fishing license from
33 possessing a game fish while engaged in commercial activities.

34 Sections 11 and 12 regulate the commercial taking of
35 turtles and mussels.

1 Sec. 19. Section 422.110, subsection 4, Code 1985, is
2 amended to read as follows:

3 4. Motor fuel or special fuel used by a bona fide
4 commercial fisherman fisher, licensed and operating under an
5 owner's certificate for commercial fishing gear issued
6 pursuant to section ~~110.4~~ 109B.4.

7 Sec. 20. Sections 109.17, 109.29, 109.99 through 109.101,
8 109.105 through 109.118, and 110.2, Code 1985, are repealed.

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20 operator must be present when the gear is operated. The
21 section also provides the extent a person can use trotlines on
22 a sport fishing license but forbids basket traps. The section
23 also increases the license fee for commercial fishing and
24 lowers the gear tag fees. The section establishes a
25 commercial turtle fishing license and increases the commercial
26 mussel license fee. The section provides that fish gear tags
27 are interchangeable on commercial fishing gear and provides
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29 Section 7 provides gear attendance requirements. Section 9
30 prohibits a commercial fisher from lifting and taking fish
31 from another commercial fisher's gear and prohibits a com-
32 mercial fisher who holds a sport fishing license from
33 possessing a game fish while engaged in commercial activities.

34 Sections 11 and 12 regulate the commercial taking of
35 turtles and mussels.

36 Section 14 requires monthly reports.

HOUSE FILE 2463

AN ACT
RELATING TO COMMERCIAL FISHING AND PROVIDING PENALTIES.

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

Section 1. NEW SECTION. 109B.1 AUTHORITY OF THE COMMISSION.

The state conservation commission shall observe, administer, and enforce this chapter. The state conservation commission may adopt and enforce rules under chapter 17A as necessary to carry out this chapter.

The state conservation commission may:

1. Remove or cause to be removed from the waters of the state any aquatic species that in the judgment of the commission is an underused renewable resource or has a detrimental effect on other aquatic populations. All proceeds from a sale of these aquatic organisms shall be credited to the state fish and game protection fund.

2. Issue to any person a permit or license authorizing that person to take, possess, and sell underused, undesirable, or injurious aquatic organisms from the waters of the state. The person receiving a permit or license shall comply with the applicable provisions of this chapter.

3. Authorize the director to enter into written contracts for the removal of underused, undesirable, or injurious organisms from the waters of the state. The contracts shall specify all terms and conditions desired. Sections 109.115, 109B.4, 109B.6, and 109B.14 do not apply to these contracts.

4. Prohibit, restrict, or regulate commercial fishing, commercial turtle fishing, and commercial mussel fishing in any waters of the state.

5. Revoke the license of a licensee and the licensee's designated operators for up to one year if the licensee or any designated operator has been convicted of a violation of chapter 109, 109B, or 110.

6. Regulate the numbers of commercial fishers, commercial turtle fishers, and commercial mussel fishers and the amount, type, seasonal use, mesh size, construction and design, manner of use, and other criteria relating to the use of commercial gear for any body of water or part thereof.

7. Establish catch quotas, seasons, size limits, and other regulations for any species of commercial fish, turtles, or mussels for any body of water or part thereof.

8. Designate by listing species as commercial fish, turtles, or mussels.

9. Designate any body of water or its part as protected habitat and restrict, prohibit, or otherwise regulate the taking of commercial fish, turtles, and mussels in protected habitat areas.

Employees of the commission may lift and inspect any commercial gear at any time when being used and may inspect commercial catches, commercial markets, and landings, and examine catch records of commercial fishers, commercial turtle fishers, and commercial mussel fishers upon demand.

Officers of the commission may seize and retain as evidence any illegal fish, turtles, or mussels, or any illegal commercial gear, or any other personal property used in violation of any provision of the Code, and may confiscate any untagged or illegal commercial gear as contraband.

Sec. 2. NEW SECTION. 109B.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Boundary waters" means the waters of the Mississippi, Missouri, and Big Sioux rivers.
2. "Commercial fisher" means a person who is licensed to take and sell fish from waters of the state.
3. "Commercial fishing" means taking, attempting to take, or transporting of fish for the purpose of selling, bartering, exchanging, offering, or exposing for sale.
4. "Commercial gear" means the capturing equipment used by commercial fishers, commercial turtle fishers, and commercial mussel fishers.
5. "Commercial mussel fisher" means a person who is licensed to take and sell freshwater mussels from waters of the state.
6. "Commercial mussel fishing" means taking, attempting to take, or transporting of freshwater mussels for the purpose of selling, bartering, exchanging, offering, or exposing for sale.
7. "Commercial species" means species of fish, turtles, and freshwater mussels which may be lawfully taken and sold by commercial fishers, commercial turtle fishers, and commercial mussel fishers, as established by rule by the commission.
8. "Commercial turtle fisher" means a person who is licensed to take and sell turtles from the waters of the state.
9. "Commercial turtle fishing" means taking, attempting to take, or transporting of turtles for the purpose of selling, bartering, exchanging, offering, or exposing for sale.
10. "Constant attendance" means the presence of a commercial fisher or a designated operator whenever commercial gear is in use.
11. "Director" means the director of the Iowa state conservation commission, and the director's duly authorized assistants, deputies, or agents.
12. "Game fish" means all species and size categories of fish not included as "commercial species" or minnows.

13. "Inland waters of the state" means all public waters of the state excluding the boundary waters of the Mississippi, Big Sioux, and Missouri rivers.
 14. "Licensed commercial gear" means any commercial gear that is licensed as provided in this chapter and that, when in use, has attached the proper tags as provided by this chapter.
 15. "Nonresident or alien" means a person who does not qualify as a resident of the state of Iowa either because of a bona fide residence in another state or because of citizenship of a country other than the United States. However, "alien" does not include a person who has applied for naturalization papers.
 16. "Resident" means a person who is legally subject to motor vehicle registration and driver's license laws of this state, or who is qualified to vote in an election of this state.
 17. "Waters of the state" means all of the waters under the jurisdiction of the state.
- Sec. 3. NEW SECTION. 109B.3 COMMERCIAL FISHING -- WHERE PERMITTED.
- It is unlawful to use commercial gear in the taking of commercial fish, turtles, and mussels from the waters of the state, except as otherwise provided by statute or administrative rules of the commission.
- Sec. 4. NEW SECTION. 109B.4 COMMERCIAL LICENSES AND GEAR TAGS.
1. A person shall not use or operate commercial gear without possessing an appropriate valid commercial license, or a designated operator's license. A license is valid from the date of issue to January 10 of the succeeding calendar year for which it was issued.
 2. It is lawful for a commercial fisher to designate a person as a designated operator to lift and to fish with any or all licensed commercial fishing gear owned by the commercial fisher. The commercial fisher shall submit the

names and addresses of the persons to be designated as designated operators when applying for a commercial fishing license. A commercial fisher shall not have more than five designated operators. A designated operator shall not lift or fish any commercial fishing gear without having first procured a designated operator's license.

3. A boundary water annual sport trotline license permits the licensee to use a maximum of four trotlines with two hundred hooks in the aggregate. All boundary water sport trotlines shall be tagged with the name and address of the licensee on a metal tag affixed above the waterline.

4. Commercial fishers and turtle fishers shall purchase gear tags from the commission to be affixed to each piece of gear in use. Notwithstanding the fee rates for gear tags of subsection 7, the minimum fee for a gear tag is five dollars. All tags are valid for ten years from the date of issue. In addition to the gear tags, all gear shall be tagged with a metal tag showing the name and address of the licensee and whether the gear is fish or turtle gear.

5. All numbered fish gear tags are interchangeable among the different types of commercial fishing gear.

6. Annual license fees are as follows:

a. Commercial fishing, resident	\$200.00
b. Commercial fishing, nonresident	400.00
c. Designated operator, resident	50.00
d. Designated operator, nonresident	100.00
e. Commercial turtle, resident	50.00
f. Commercial turtle, nonresident	100.00
g. Commercial mussel, resident	30.00
h. Commercial mussel, nonresident	400.00
i. Commercial mussel buyer, resident	300.00
j. Commercial mussel buyer, nonresident	2,500.00
k. Boundary water sport trotline, resident	10.00
l. Boundary water sport trotline, nonresident	20.00

7. Commercial fish gear tags are required on the following units of commercial fishing gear at the listed fee:

a. Seine, resident, one gear tag for each 100 feet or fraction thereof	\$1.00
b. Seine, nonresident, one gear tag for each 100 feet or fraction thereof	2.00
c. Trammel net, resident, one gear tag for each 100 feet or fraction thereof	1.00
d. Trammel net, nonresident, one gear tag for each 100 feet or fraction thereof	2.00
e. Gill net, resident, one gear tag for each 100 feet or fraction thereof	1.00
f. Gill net, nonresident, one gear tag for each 100 feet or fraction thereof	2.00
g. Entrapment nets, resident, one gear tag per net	1.00
h. Entrapment nets, nonresident, one gear tag per net	2.00
i. Commercial trotline, resident, one gear tag for each 50 hooks or less	1.00
j. Commercial trotline, nonresident, one gear tag for each 50 hooks or less	2.00

8. Turtle trap gear tags are not interchangeable with other commercial gear. Turtle trap gear tag fees are as follows:

a. Commercial turtle trap, resident, one gear tag per trap	1.00
b. Commercial turtle trap, nonresident, one gear tag per trap	2.00

Sec. 5. NEW SECTION. 109B.5 COMMERCIAL GEAR.

It is lawful for a person who is legally licensed to commercial fish to use the commercial fishing gear of a design, construction, size, season and all other criteria established by the commission for taking those species of fish and turtles designated by the commission by rule.

Sec. 6. NEW SECTION. 109B.6 TAGGING OF COMMERCIAL GEAR.

1. Each trotline shall have the tags affixed to one end. Each hoop net, slat net, trap net, and turtle trap shall have the appropriate tag affixed to the end nearest the pot. Each gill net and each trammel net shall have the tags affixed to the float line nearest the shore stake, but when fished under ice, the tags shall be affixed to the float line nearest the take-out hole. Each seine shall have the tags affixed to one end.

Sec. 7. NEW SECTION. 109B.7 GEAR ATTENDANCE.

1. The licensee or a designated operator must be present when lifting commercial gear. Commercial gear shall be lifted and emptied of catch as provided by the rules of the commission. Constant attendance by the licensee or a designated operator of seines, trammel nets, and gill nets is required when the gear is fished by driving, drive-seining, seining, floating, or drifting methods. Officers of the commission shall grant a reasonable extension of gear attendance intervals in cases of inclement weather or unsafe conditions.

Sec. 8. NEW SECTION. 109B.8 BAITS.

1. It is lawful for licensed commercial fishers, designated operators, commercial turtle fishers, and licensed sport trotline fishers to pursue, take, possess, and transport any commercial fish or their parts, bait fish, turtles, frogs, salamanders, leeches, crayfish, or any other aquatic invertebrates for bait unless otherwise prohibited by law.

2. It is lawful to use any member of the following families as bait fish in boundary waters: Cyprinidae, the minnows; Catostomidae, the suckers; Umbridae, the mudminnows; Clupeidae, the herrings; Hiodontidae, the mooneyes; Amiidae, the bowfin unless otherwise prohibited by law.

3. It is lawful to use green sunfish, *Lepomis cyanellus*, and orange-spotted sunfish, *Lepomis humilis*, for bait fish.

4. It is lawful to use minnow seines for taking bait in the boundary waters. Minnow seines may not exceed fifty feet in length and eight feet in depth.

Sec. 9. NEW SECTION. 109B.9 UNLAWFUL METHODS.

It is unlawful:

1. To use commercial gear which is not in accordance with this chapter or the rules of the commission.

2. To use commercial gear within nine hundred feet from a navigation dam on the boundary waters.

3. To use commercial gear within three hundred feet from the mouth of a tributary stream emptying into the boundary waters.

4. For a person to lift or to fish licensed commercial gear of another person, except by the licensee and the licensee's designated operators.

5. To employ chemicals, electricity, or explosives into the water for taking fish, turtles, or freshwater mussels except as authorized by the director.

6. To have in one's possession game fish or other fish, turtles, or mussels deemed illegal by other provisions of law while engaged in commercial activities. A fish caught in commercial fishing that is not lawful to possess shall be handled with wet hands and immediately released under water with as little injury as possible.

7. To block or inhibit navigation through channels with commercial fishing gear unless a minimum of three feet of water depth is maintained over float lines of any entanglement gear or leads to trap nets. Gear shall not block over one-half the width of a navigable channel if there is less than three feet of water over the gear.

Sec. 10. NEW SECTION. 109B.10 SALE OF COMMERCIAL FISH.

1. A person possessing a commercial fishing license or designated operator's license may possess and sell any commercial fish, turtles, or freshwater mussels, or their parts, which have been lawfully taken.

2. All intrastate and interstate shipments of commercial fish or turtles must be accompanied by a label which shows the name and address of the seller and the kinds and pounds of the

catches being sold. Individuals purchasing fish, turtles, or mussels from a commercial fisher, turtle fisher, or mussel fisher need not possess a license.

Sec. 11. NEW SECTION. 109B.11 TURTLES.

1. A person shall not take, possess, or sell turtles from the waters of the state without an appropriate license.
 - a. A valid sport fishing license entitles a person to take and possess a maximum of one hundred pounds of live turtles or fifty pounds of dressed turtles. The sale of live or dressed turtles is not permitted with a sport fishing license.
 - b. A commercial turtle license is required to take and possess more than one hundred pounds of live or fifty pounds of dressed turtles. The holder of a commercial turtle license may sell live or dressed turtles.
 - c. A commercial fishing license or a designated operator's license entitles fishers to operate any licensed commercial fishing gear for taking, possessing, or selling turtles.
2. It is unlawful to take, possess, or sell any species of turtles except those designated by the commission by rule.
3. The method of taking turtles shall only be by hand, turtle hook, turtle trap, licensed commercial fishing gear, or other means designated by commission rules. Sport fishers may also use hook-and-line in catching turtles.
4. Any unattended fishing gear used to take turtles on a sport fishing license shall have affixed a metal tag provided by the owner bearing the owner's name and address.

Sec. 12. NEW SECTION. 109B.12 FRESHWATER MUSSELS.

1. A person shall not take, possess, or sell freshwater mussels from the waters of the state without an appropriate license.
 - a. A sport fishing license entitles a person to take and possess a maximum of twenty pounds of mussels or shells daily. The possession limit for each licensee is twenty pounds of live mussels or shells. Sale of mussels or shells is not permitted with a sport fishing license.

- b. A commercial mussel license is required to take more than twenty pounds of mussels or shells daily, or possess more than twenty pounds of mussels or shells. The holder of a commercial mussel license may sell mussels or shells.

- c. A commercial mussel buyer license is required to buy mussels or shells.

2. A person may take all species of freshwater mussels, or their parts, except where otherwise prohibited by rules of the commission.

3. The method of taking freshwater mussels shall only be by hand, by diving, or by crowfoot bar, a device designed to catch mussels by inserting hooks between the shells, or by other means designated by rules of the commission. A crowfoot bar shall not exceed twenty feet in length and a licensee shall not fish more than three bars.

Sec. 13. NEW SECTION. 109B.13 RECIPROCITY FOR COMMERCIAL FISHING, COMMERCIAL TURTLE FISHING, AND COMMERCIAL MUSSEL FISHING.

1. Reciprocal commercial fishing, commercial turtle fishing, and commercial freshwater mussel fishing privileges are contingent upon a grant of similar privileges by the appropriate state to residents of this state.

2. The commission may negotiate commercial reciprocity agreements with other states.

3. Whenever and so long as the states of Minnesota, Wisconsin, Illinois, or Missouri confer upon the commercial clamming licensees of this state reciprocal rights, privileges and immunities, any commercial clamming license issued by such other state shall entitle the licensee to all the rights, privileges and immunities, in and upon the boundary waters between Illinois and this state and between Wisconsin and this state, enjoyed by the holders of equivalent licenses issued by this state; subject, however, to the duties, responsibilities and liabilities imposed on its own licensees by the laws of this state.

Sec. 14. NEW SECTION. 109B.14 REPORTS REQUIRED.

All commercial fishers, commercial turtle fishers, and commercial mussel fishers shall submit a monthly report supplying all information requested on forms furnished by the commission. Reports must be received by the commission no later than the fifteenth day of the following month.

Sec. 15. NEW SECTION. 109B.15 PENALTIES.

A person who violates a provision of this chapter or a rule issued under this chapter is guilty of a simple misdemeanor.

Sec. 16. NEW SECTION. 110.20 RECIPROCITY.

Licenses for bait dealers or for fishing, hunting, or trapping shall not be issued to residents of states that do not sell similar licenses or certificates to residents of Iowa. However, the licensing of nonresident bait dealers who sell at wholesale to licensed dealers in Iowa for resale is permitted.

Sec. 17. Section 110.1, subsections 5 and 6 and subsection 7, paragraphs a through e, Code 1985, are amended by striking those subsections and paragraphs.

Sec. 18. Section 324.17, subsection 13, Code 1985, is amended to read as follows:

13. A bona fide commercial fisher, licensed and operating under an owner's certificate for commercial fishing gear issued pursuant to section ~~109.4~~ ~~shall be~~ 109B.4 is entitled to receive a motor fuel or special fuel tax refund under this section.

Sec. 19. Section 422.110, subsection 4, Code 1985, is amended to read as follows:

4. Motor fuel or special fuel used by a bona fide commercial fisherman ~~fisher~~, licensed and operating under an owner's certificate for commercial fishing gear issued pursuant to section ~~109.4~~ 109B.4.

Sec. 20. Sections 109.17, 109.29, 109.99 through 109.101, 109.105 through 109.118, and 110.2, Code 1985, are repealed.

Sec. 21. Section 4, subsection 6, paragraph "g" through "j" and section 13, subsection 3 of this Act, being deemed of

immediate importance, shall take effect from and after the Act's publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa and in the North Iowa Times, a newspaper published in McGregor, Iowa.

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 2463, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 28, 1986

TERRY E. BRANSTAD
Governor