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Place On Calendar

HOUSE FILE 395

BY COMMITTEE ON NATURAL RE-  
SOURCES AND OUTDOOR RECREATION

(Formerly House Study Bill 120)

Passed House, Date 3-16-85 (p. 641) Passed Senate, Date \_\_\_\_\_

Vote: Ayes 86 Nays 10 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the taking of animals and subjecting violators  
2 to penalties.

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

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HF 395

1 Section 1. Section 109.1, Code 1987, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 16. "Bird" means a member of the class  
4 Aves.

5 NEW SUBSECTION. 17. "Fish" means a member of the class  
6 Pisces.

7 NEW SUBSECTION. 18. "Frog" means a member of the order  
8 Anura.

9 NEW SUBSECTION. 19. "Amphibian" means a member of the  
10 class Amphibia.

11 NEW SUBSECTION. 20. "Reptile" means a member of the class  
12 Reptilia.

13 NEW SUBSECTION. 21. "Mussels" means the pearly fresh  
14 water mussels, clams or naiads, and their shells.

15 NEW SUBSECTION. 22. "Fur-bearing animals" means the  
16 following which are declared to be fur-bearing animals for the  
17 purpose of regulation and protection under the Code: beaver,  
18 badger, mink, otter, muskrat, raccoon, skunk, opossum,  
19 spotted skunk or civet cat, weasel, coyote, bobcat, wolf,  
20 groundhog, red fox, and gray fox. This chapter does not apply  
21 to domesticated fur-bearing animals.

22 NEW SUBSECTION. 23. "Game" means all of the animals  
23 specified in this subsection except those designated as not  
24 protected, and includes the heads, skins, and any other parts,  
25 and the nests and eggs of birds and their plumage.

26 a. The Anatidae: such as swans, geese, brant, and ducks.

27 b. The Rallidae: such as rails, coots, mudhens, and  
28 gallinules.

29 c. The Limicolae: such as shore birds, plovers, surf  
30 birds, snipe, woodcock, sandpipers, tattlers, godwits, and  
31 curlews.

32 d. The Gallinae: such as wild turkeys, grouse, pheasants,  
33 partridges, and quail.

34 e. The Columbidae: such as mourning doves and wild rock  
35 doves only.

1 f. The Sciuridae: such as gray squirrels, fox squirrels.

2 g. The Leporidae: cottontail rabbits and jack rabbits  
3 only.

4 h. The Cervidae: such as deer and elk.

5 NEW SUBSECTION. 24. "Spawn" means any of the eggs of any  
6 fish, amphibian, or mussel.

7 NEW SUBSECTION. 25. "Turtle" means any member of the  
8 order Testudines.

9 NEW SUBSECTION. 26. "Biological balance" means that  
10 condition when the number of animals present over the long  
11 term is at or near the number of animals of a particular  
12 species that the available habitat is capable of supporting.

13 Sec. 2. Section 109.1, subsections 8 and 14, Code 1987,  
14 are amended to read as follows:

15 8. "Take" or "taking" or "attempting to take" or "hunt" is  
16 any pursuing, or any hunting, fishing, killing, trapping,  
17 snaring, netting, searching for or shooting at, stalking or  
18 lying in wait for any game, animal, bird, or fish protected by  
19 the state laws or ~~regulations~~ rules adopted by the commission  
20 whether or not such game animal be then subsequently captured,  
21 killed, or injured.

22 14. "Wild mammal" means a ~~mammal-and-family-of-mammal~~  
23 ~~listed-in-sections-109-40-and-109-41~~ member of the class  
24 Mammalia.

25 Sec. 3. Section 109.12, Code 1987, is amended to read as  
26 follows:

27 109.12 SEIZURE OF UNLAWFUL GAME.

28 ~~It shall be the duty of the~~ The director or any peace  
29 officer ~~to shall~~ shall seize with or without warrant and take  
30 possession of any fish, furs, birds, or animals, or mussels,  
31 clams, and or ~~except-for-bait~~ frogs, which have been caught,  
32 taken, or killed at a time, in a manner, or for a purpose, or  
33 had in possession or under control, or offered for shipment,  
34 or illegally transported in the state or to a point beyond the  
35 its borders thereof, contrary to the ~~provisions-of-this~~

1 chapter Code.

2 Sec. 4. Section 109.13, Code 1987, is amended to read as  
3 follows:

4 109.13 SEARCH WARRANTS.

5 Any court having jurisdiction of the offense, upon  
6 receiving proof of probable cause for believing that any fish,  
7 mussels, clams, frogs, birds, furs, or animals caught, taken,  
8 killed, had in possession, under control, or shipped, contrary  
9 to ~~any-of-the-provisions-of-this-chapter~~ the Code, or hidden  
10 or concealed in any place, shall issue a search warrant and  
11 cause a search to be made in any place therefor. The property  
12 so seized under ~~such~~ warrant shall be safely kept under the  
13 direction of the court so long as necessary for the purpose of  
14 being used as evidence in any trial, and if ~~such~~ a trial  
15 results in a conviction the property seized shall be  
16 confiscated by the director or the director's officers.

17 Sec. 5. Section 109.21, Code 1987, is amended to read as  
18 follows:

19 109.21 BIRDS AS TARGETS.

20 ~~No~~ A person shall not keep or use any live pigeon or other  
21 bird as a target, to be shot at for amusement or as a test of  
22 skill in marksmanship, or shoot at a bird kept or used for  
23 such purpose, or be a party to such shooting, or lease any  
24 building, room, field, or premises, or knowingly permit the  
25 use thereof, for the purpose of such shooting. ~~Nothing-in~~  
26 ~~this~~ This section ~~shall~~ does not prevent any person from  
27 shooting at live pigeons, sparrows, ~~erows~~ and starlings when  
28 used in the training of hunting dogs.

29 Sec. 6. Section 109.24, Code 1987, is amended to read as  
30 follows:

31 109.24 USE OF C.B. OR MOBILE TRANSMITTER PROHIBITED.

32 A person who is hunting shall not use a mobile radio  
33 transmitter to communicate the location or direction of game  
34 or fur-bearing animals or to co-ordinate the movement of other  
35 hunters. This section does not apply to the hunting of

1 coyotes from January 1 through March 31.

2 Sec. 7. Section 109.32, unnumbered paragraph 1, Code 1987,  
3 is amended to read as follows:

4 Whoever shall take, catch, kill, injure, destroy, have in  
5 possession, buy, sell, ship, or transport any frogs, fish,  
6 mussels, birds, their nests, eggs, or plumage, fowls, game, or  
7 animals or their fur or raw pelt in violation of the  
8 provisions of this chapter or of administrative rules of the  
9 commission or whoever shall use any device, equipment, seine,  
10 trap, net, tackle, firearm, drug, poison, explosive, or other  
11 substance or means, the use of which is prohibited by this  
12 chapter, or use the same at a time, place, or in a manner or  
13 for a purpose prohibited, or do any other act in violation of  
14 the provisions of this chapter or of administrative rules of  
15 the commission for which no other punishment is provided,  
16 ~~shall be~~ is guilty of a simple misdemeanor and shall be  
17 assessed a minimum fine of ten dollars for each offense.

18 Sec. 8. Section 109.34, Code 1987, is amended to read as  
19 follows:

20 109.34 VIOLATIONS BY COMMON CARRIER.

21 Any A common carrier which ~~shall violate~~ violates any of  
22 the provisions of this chapter relating to receiving, having  
23 in possession, shipping, or delivering any fish, fowls, birds,  
24 birds' nests, eggs, or plumage, fur, raw pelts, game, or  
25 animals, in violation of the provisions of ~~this chapter~~ the  
26 Code or contrary to the regulations and restrictions ~~therein~~  
27 provided in this chapter, and any agent, employee, or servant  
28 of ~~such corporation~~ a common carrier violating such  
29 provisions, ~~shall be~~ is guilty of a simple misdemeanor.

30 Sec. 9. Section 109.37, subsection 1, Code 1987, is  
31 amended by striking the subsection.

32 Sec. 10. Section 109.37, subsection 4, Code 1987, is  
33 amended to read as follows:

34 4. Have in possession any implements, devices, equipment,  
35 or means whatever of taking fish, birds, or animals protected

1 by ~~this chapter~~ the Code at any place where the possession or  
2 use thereof is prohibited.

3 Sec. 11. Section 109.38, unnumbered paragraph 1, and  
4 subsections 1 and 2, Code 1987, are amended to read as  
5 follows:

6 It ~~shall be~~ is unlawful for any a person to take, pursue,  
7 kill, trap or ensnare, buy, sell, possess, transport, or  
8 attempt to so take, pursue, kill, trap or ensnare, buy, sell,  
9 possess, or transport any game, protected nongame birds  
10 animals, fur-bearing animals or fur or skin of such animals,  
11 mussels, frogs, spawn or fish or any part thereof, except upon  
12 the terms, conditions, limitations, and restrictions set forth  
13 herein, and administrative ~~orders~~ rules necessary to carry out  
14 the purposes set out in section 109.39, or as provided by the  
15 Code.

16 1. The commission may upon its own motion and after an  
17 investigation, alter, limit, or restrict the methods or means  
18 employed and the instruments or equipment used in taking wild  
19 mammals, ~~wild-turkey, pheasant, quail~~ birds, fish, reptiles,  
20 and amphibians, if the investigation reveals that the action  
21 would be desirable or beneficial in promoting the interests of  
22 conservation, or the commission may, after an investigation  
23 when it is found there is imminent danger of loss of fish  
24 through natural causes, authorize the taking of fish by means  
25 found advisable to salvage imperiled fish populations.

26 2. ~~if following an investigation the commission finds that~~  
27 ~~the number of hunters licensed to take deer or wild turkey~~  
28 ~~should be limited, further regulated, or expanded, the~~  
29 ~~commission shall conduct a drawing to determine which~~  
30 ~~applicants receive a license:--if further deer depopulation is~~  
31 ~~warranted in localized areas, the commission shall consider~~  
32 ~~additional hunting days and additional any sex deer licenses~~  
33 ~~shall be issued for these areas:--Applications for licenses~~  
34 ~~shall be received and accepted during a forty-five day period~~  
35 ~~established by the commission:--At the end of the period the~~

1 drawing shall be conducted. If the quota has not been filled,  
2 licenses shall be issued in the order in which applications  
3 are received and shall continue to be issued until the quota  
4 has been met or until a date fifteen days prior to the opening  
5 day of the season, whichever first occurs. If the commission  
6 finds that the number of hunters licensed or the type of  
7 license issued to take deer or wild turkey should be limited  
8 or further regulated the commission shall conduct a drawing to  
9 determine which applicants shall receive a license and the  
10 type of license. Applications for licenses shall be received  
11 during a period established by the commission. At the end of  
12 the period a drawing shall be conducted. The commission may  
13 establish rules to issue licenses after the established  
14 application period. If an applicant receives a deer license  
15 which is more restrictive than licenses issued to others for  
16 the same period and place, the applicant shall receive a  
17 certificate with the license entitling the applicant to  
18 priority in the drawing for the less restrictive deer licenses  
19 the following year. The certificate must accompany that  
20 person's application the following year, or the applicant will  
21 not receive this priority. Persons purchasing a deer license  
22 for the gun season under this section and under section 110.1  
23 are not eligible for a gun deer-hunting license under section  
24 110.24. This subsection does not apply to the hunting of  
25 wild turkey on game breeding and shooting preserves licensed  
26 under chapter 110A.

27 Sec. 12. Section 109.39, Code 1987, is amended to read as  
28 follows:

29 109.39 BIOLOGICAL BALANCE MAINTAINED.

30 ~~The open seasons, closed seasons, bag limits, size limits,~~  
31 ~~catch limits, possession limits and territorial limitations~~  
32 ~~set forth herein pertaining to fish, game and various species~~  
33 ~~of wildlife are based upon a proper biological balance as~~  
34 ~~hereinafter defined being maintained for each species or kind.~~  
35 ~~The seasons, catch limits, bag limits, size limits, possession~~

1 ~~limits-and-territorial-limitations-set-forth-herein-shall~~  
2 ~~prevail-and-be-in-force-and-effect-for-each-and-every-species~~  
3 ~~of-wildlife-to-which-they-pertain-as-long-as-the-biological~~  
4 ~~balance-for-each-species-or-kind-remain-such-as-to-assure-the~~  
5 ~~maintenance-of-an-adequate-supply-of-such-species.~~ The  
6 commission is designated the sole agency to determine the  
7 facts as to whether such biological balance does or does not  
8 exist. ~~If-the-commission,-after-investigation-finds-that-the~~  
9 ~~number-or-the-number-and-sex-of-each-or-any-species-or-kind-of~~  
10 ~~wildlife-is-at-variance-to-aforsaid-condition,-the~~ The  
11 commission shall, by administrative rule, extend, shorten,  
12 open, or close seasons and set, increase, or reduce catch  
13 limits, bag limits, size limits, possession limits, or  
14 territorial limitations or further regulate taking conditions  
15 in accordance with ~~said-findings~~ sound fish and wildlife  
16 management principles. ~~For-the-purpose-of-this-section~~

17 ~~biological-balance-is-defined-as-that-condition-when-all~~  
18 ~~losses-to-population-are-compensated-by-natural-reproductive~~  
19 ~~activity-or-artificial-replenishment,-replacement-or-stocking.~~

20 ~~If-the-commission-finds-that-the-biological-balance-of-deer~~  
21 ~~cannot-be-maintained-on-land-owned-by-the-federal-government~~  
22 ~~because-of-hunting-prohibitions-on-weekdays,-the-commission~~  
23 ~~may-extend-the-open-season-for-deer-hunting-within-such-areas~~  
24 ~~for-one-or-more-weekends-beyond-the-regular-season-as~~  
25 ~~established-by-the-commission.-The-total-number-of-days-of~~  
26 ~~deer-hunting-permitted-in-areas-owned-by-the-federal~~  
27 ~~government-shall-not-exceed-the-total-number-of-days~~  
28 ~~authorized-for-deer-hunting-in-the-state,-or-that-part-of-the~~  
29 ~~state-in-which-the-federal-owned-land-is-located,-as~~  
30 ~~established-by-the-commission.~~

31 Sec. 13. Section 109.52, Code 1987, is amended to read as  
32 follows:

33 109.52 EXHIBITING CATCH TO OFFICER.

34 Any A person who ~~shall-have~~ has in possession any game bird  
35 or game animal, fish or fur or part thereof shall upon request

1 of the director or any officer appointed by the commission  
2 department exhibit the same it to the director or officer, and  
3 a refusal to do so ~~shall constitute~~ is a violation of this  
4 chapter the Code.

5 Sec. 14. Section 109.53, Code 1987, is amended to read as  
6 follows:

7 109.53 CHASING FROM DENS.

8 It ~~shall be~~ is unlawful to have in possession while hunting  
9 or to use while hunting any ferret or ~~mechanical~~ any device or  
10 any substance to be used for chasing animals from their dens.

11 Sec. 15. Section 109.55, Code 1987, is amended to read as  
12 follows:

13 109.55 SELLING GAME.

14 Except as otherwise provided, ~~it shall be unlawful for any~~  
15 a person to shall not buy or sell, dead or alive, any a bird  
16 or animal or any part ~~thereof~~ of one which is protected by  
17 this chapter, but ~~nothing in~~ this section ~~shall~~ does not apply  
18 to fur-bearing animals, rabbits, and the skins, and plumage,  
19 and antlers of legally taken game. ~~Deer hides shall be~~  
20 ~~plainly labeled with the owner's name and address and license~~  
21 ~~number prior to the sale. This name and address and license~~  
22 ~~number must remain attached to the hide while such hide is~~  
23 ~~within the boundaries of this state. This section does not~~  
24 prohibit the purchase of jack rabbits from sources outside  
25 this state. No A person shall not purchase, sell, barter, or  
26 offer to purchase, sell, or barter for millinery or ornamental  
27 use the feathers of migratory game birds; and no a person  
28 shall not purchase, sell, barter, or offer to purchase, sell,  
29 or barter mounted specimens of migratory game birds.

30 Sec. 16. Section 109.56, subsection 1, Code 1987, is  
31 amended to read as follows:

32 1. ~~Except during the open gun season for hunting deer at~~  
33 ~~which time no training of dogs is allowed, any~~ A person having  
34 a valid hunting license may train a bird dog on any game birds  
35 and a person having a valid fur harvester license may train a

1 coon hound, fox hound, or trailing dog on any fur-bearing  
2 animals at any time of the year including during the closed  
3 season on such birds or animals, ~~provided~~. However, the  
4 animals when pursued to a tree or den shall not be further  
5 chased or removed in any manner from the tree or den. A  
6 person having a hunting license may train a dog on coyote or  
7 groundhog.

8 Only a pistol, revolver, or other gun shooting blank  
9 cartridges shall be used while training dogs during closed  
10 season except as provided in subsection 2 of this section.

11 Sec. 17. Section 109.57, Code 1987, is amended to read as  
12 follows:

13 109.57 POSSESSION AND STORAGE.

14 Any A person having lawful possession of game or fur-  
15 bearing animals or their pelts may hold same them for not to  
16 exceed ~~ten~~ thirty days after the close of the open season for  
17 such game or fur-bearers. A permit to hold ~~such-game~~ for a  
18 longer period may be granted by the ~~commission~~ department.

19 Sec. 18. Section 109.60, Code 1987, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 109.60 RAISING GAME -- RULEMAKING AUTHORITY.

22 A person shall not raise or sell game or fur-bearing  
23 animals of the kinds protected by this chapter without first  
24 procuring a game breeder's license as provided by law. The  
25 commission may adopt rules which ensure that all game birds,  
26 game animals, and fur-bearing animals handled and confined by  
27 licensed game breeders are provided with humane care and  
28 treatment. A violation of a rule adopted by the commission is  
29 a cause for license revocation. This section does not apply  
30 to governmental zoos and exhibits.

31 Sec. 19. Section 109.61, Code 1987, is amended by striking  
32 the section and inserting in lieu thereof the following:

33 109.61 LICENSED GAME BREEDERS -- MARKETING GAME --  
34 PENALTY.

35 1. Except as otherwise provided by law, a licensed game

1 breeder whose original stock is obtained from a lawful source  
2 may possess any game bird, game animal, or fur-bearing animal,  
3 or any of their parts. Possession and use of the game birds,  
4 game animals, or fur-bearing animals obtained from a licensed  
5 game breeder are lawful.

6 2. Fur-bearing animals shall not be acquired for breeding  
7 or propagating purposes from any source unless they have been  
8 pen-raised for at least two successive generations.

9 3. A game breeder's license is not a license to possess,  
10 breed, propagate, sell, or dispose of any species which is  
11 defined as endangered or threatened under state law unless the  
12 species is listed on the license. Its possession, breeding,  
13 propagation, sale, and disposal are subject to all applicable  
14 state and federal statutes.

15 4. A licensed game breeder shall not acquire protected  
16 live game animals, game birds, their eggs, or fur-bearing  
17 animals taken from the wild within this state.

18 5. Game birds or game animals may be sold for food only  
19 under the following conditions:

20 a. The licensed game breeder shall file with the  
21 commission a facsimile of a stamp of similar type to that used  
22 by the United States department of agriculture in grading  
23 meat.

24 b. Licensed game breeders may sell dressed game birds or  
25 game animals to markets for resale providing each game bird or  
26 game animal has affixed upon it in a conspicuous and legible  
27 manner the imprint of the game breeder's stamp.

28 c. The stamp shall bear the name and number of the game  
29 breeder in letters of at least twelve-point type size.

30 6. Markets selling stamped game shall:

31 a. Maintain the stamp on each game bird or game animal  
32 until the bird or animal is disposed of or sold.

33 b. Keep a record showing the total number of game birds or  
34 game animals sold together with the name and address of the  
35 game breeder from whom purchased and the number of game birds

1 and animals in each purchase.

2 7. Markets selling stamped game, together with their  
3 records, are subject to inspection by an authorized  
4 representative of the commission at any reasonable time.

5 8. Violation of a provision of this section may be cause  
6 for license revocation.

7 Sec. 20. Section 109.62, Code 1987, is amended by striking  
8 the section and inserting in lieu thereof the following:

9 109.62 RECORDS -- REPORTS -- INSPECTION.

10 1. A holder of a game breeder's license shall keep the  
11 records and make the reports required by this section on forms  
12 provided by the department. The records shall be open for  
13 inspection at any reasonable time by the department or its  
14 authorized agents.

15 2. At the time of every sale or conveyance of an animal,  
16 animal parts, or products, the licensee shall complete a game  
17 breeder's sales receipt on forms provided by the department.  
18 The forms shall require the following information:

19 a. The name, address, county, and license number assigned  
20 to the breeder.

21 b. The name and address of the purchaser.

22 c. The number, species, sex, and age of the animals or  
23 birds conveyed.

24 3. Licensees shall maintain business records for all  
25 species in an annual report record book. The records shall  
26 include the following information:

27 a. For each animal acquired other than by birth on the li-  
28 censee's game farm, the sex and species, the date of  
29 acquisition, the number acquired, and the name and address of  
30 the source from which acquired.

31 b. For each animal born on the licensee's game farm, the  
32 sex, species, date of birth, and number of any band, tag, or  
33 tattoo subsequently attached to the animal.

34 c. For each animal sold or disposed of other than by death  
35 the same information required by the game breeder's sales

1 receipt.

2 d. For each animal which dies, disappears, or is destroyed  
3 on the licensee's game farm, the sex, species, date of death,  
4 and the number of any band, tag, or tattoo attached to the  
5 animal.

6 The licensee's copies of the required sales receipts shall  
7 be kept with the record book and are considered a part of it.

8 Records required by this section shall be entered in the  
9 annual report record book within forty-eight hours of the  
10 event.

11 4. Each licensee shall file an annual report with the  
12 commission on or before January 31. The report shall detail  
13 the game breeder's operations during the preceding license  
14 year. The original report shall be forwarded to the  
15 department and a copy shall be retained in the breeder's file  
16 for a period of three years from the date of expiration of the  
17 breeder's last license issued. Failure to keep or submit the  
18 required records and report are grounds for a refusal to renew  
19 a license for the succeeding year.

20 5. An on-site inspection of facilities shall be conducted  
21 by an officer of the commission prior to the initial issuance  
22 of a game breeder's license. The facilities may be  
23 reinspected by an officer of the commission at any reasonable  
24 time.

25 6. Any officer of the commission may enter any place where  
26 any game bird, game animal, or fur-bearing animal is at the  
27 time located, or where it has been kept, or where the carcass  
28 of such animal may be, for the purpose of examining it in any  
29 way that may be necessary to determine whether it was or is  
30 infected with any contagious or infectious disease.

31 7. For the purpose of this section, infectious and  
32 contagious disease includes rabies, hoof and mouth disease,  
33 leptospirosis, black-head, or any other communicable disease so  
34 designated by the commission.

35 8. The commission may regulate or prohibit the importation

1 into the state and exportation from the state of any species  
2 of game bird, game animal, or fur-bearing animal, domesticated  
3 or not, which in its opinion, for any reason, is determined to  
4 be detrimental to the health of animals within or without the  
5 state.

6 9. The commission may quarantine or destroy any game bird,  
7 game animal, or fur-bearing animal which is found to be  
8 infected with any contagious or infectious disease.

9 10. A licensed game breeder or other person having control  
10 of any game bird, game animal, or fur-bearing animal shall not  
11 knowingly offer for sale, sell, or barter such birds or  
12 animals which have an infectious or contagious disease, or  
13 allow those birds or animals to run at large or come in  
14 contact with any other game birds, game animals, or fur-  
15 bearing animals.

16 Sec. 21. Section 109.63, unnumbered paragraphs 1 and 2,  
17 Code 1987, are amended to read as follows:

18 Any person may be authorized to sell minnows, frogs,  
19 crayfish, salamanders, and ~~clams~~ mussels for fish bait upon  
20 the payment of a license fee to the commission. Minnow and  
21 bait boxes and tanks shall be open to inspection by the  
22 director and conservation officers at all times. ~~They~~ The  
23 licensee shall have tanks and bait boxes of sufficient size,  
24 with proper aeration to keep the bait alive and prevent heavy  
25 loss.

26 ~~Such~~ Except for species listed under chapter 109A as  
27 endangered or threatened, the license shall authorize the  
28 licensee to take from the lakes and streams in the state that  
29 are not closed to the taking of minnows, frogs, crayfish,  
30 salamanders, and ~~clams~~ mussels, sufficient minnows, frogs,  
31 crayfish, salamanders, and ~~clams~~ mussels to carry on and  
32 supply the licensee's customers with bait for hook and line  
33 fishing if the licensee is present while the bait is being  
34 collected.

35 Sec. 22. Section 109.65, Code 1987, is amended by striking

1 the section and inserting in lieu thereof the following:

2 109.65 LICENSES.

3 The director may, after investigation, issue to any person  
4 a scientific collector's license, a wildlife salvage permit,  
5 or a wildlife rehabilitation permit. A scientific collector's  
6 license will authorize the licensee to collect for scientific  
7 purposes only, any birds, nests, eggs, or wildlife. A salvage  
8 permit will authorize the permittee to salvage for educational  
9 purposes, any birds, nests, eggs, or animals according to the  
10 rules of the department. A wildlife rehabilitation permit  
11 will authorize the permittee to possess for rehabilitation  
12 purposes only, any orphaned or injured wildlife according to  
13 the rules of the department. A person to whom a license or  
14 permit is issued shall not dispose of any birds, nests, eggs,  
15 or wildlife or their parts except upon written permission of  
16 the director. The application for such licenses and permits  
17 shall be made upon blanks furnished by the department. Each  
18 holder of a license or permit shall, by January 31 of each  
19 year, file with the department a report showing all specimens  
20 collected or possessed under authority of the license or  
21 permit. A license or permit may be revoked by the director at  
22 any time for cause.

23 Sec. 23. Section 109.67, Code 1987, is amended to read as  
24 follows:

25 109.67 SEASONS AND LIMITS.

26 It is unlawful for any a person, except as otherwise  
27 expressly provided, to take, capture, or kill fish, or frogs,  
28 or turtles except during the open season established by the  
29 commission. It is unlawful during open season to take in any  
30 one day an amount in excess of the daily catch limit  
31 designated for each variety or each locality, or have in  
32 possession any variety of fish, or frog, or turtle in excess  
33 of the possession limit, or have in possession any frog, or  
34 fish, or turtle at any time under the minimum length or  
35 weight. The open season, possession limit, daily catch limit,

1 and the minimum length or weight for each variety of fish, or  
2 frog, or turtle shall be established by rule of the department  
3 or commission under the authority of sections 107.24, 109.38,  
4 and 109.39 and 109B.1.

5 Sec. 24. NEW SECTION. 109.68 FISH DESIGNATED.

6 The commission may adopt rules designating game fish, com-  
7 mercial fish, and rough fish.

8 Sec. 25. Section 109.72, Code 1987, is amended to read as  
9 follows:

10 109.72 HOOKS.

11 No A person shall not at any time take from the waters of  
12 the state any fish, except as otherwise provided in this  
13 chapter, except with hook, line, and bait, nor shall any a  
14 person use more than two lines nor more than two hooks on each  
15 line in still fishing or trolling, and in fly fishing not more  
16 than two flies may be used on one line, and in trolling and  
17 bait casting not more than two trolling spoons or artificial  
18 bait may be used on one line. However, on the Mississippi  
19 river and connected backwaters a person may use not more than  
20 five lines with not more than two hooks per line while fishing  
21 through the ice. ~~Ne~~ A person shall not leave such fish line  
22 or lines and hooks in the water unattended ~~or-take-or-attempt~~  
23 ~~to-take-any-fish-by-snagging-or-to-purposeily-hook-them-in-any~~  
24 ~~other-part-than-in-the-mouth~~ by being out of visual sight of  
25 the lines and hooks. One hook ~~shall-mean~~ means a single,  
26 double, or treble pointed hook, and all hooks attached as a  
27 part of an artificial bait or lure shall be counted as one  
28 hook.

29 Sec. 26. Section 109.73, Code 1987, is amended to read as  
30 follows:

31 109.73 TROTLINES AND TAGGED LINES.

32 ~~It-shall-be-unlawful-for-any-person-to-use-in~~ In the waters  
33 of the state open to the their use, of a person shall not use  
34 more than five tagged lines set to take fish such as trotlines  
35 ~~or throw lines, more than five trotlines or throw lines.~~ Such

1 ~~trotlines-or-throw~~ tagged lines shall not have in the  
2 aggregate more than fifteen hooks. Each separate line when in  
3 use shall have attached a tag plainly labeled with the owner's  
4 name and address, shall be checked at least once each twenty-  
5 four hours, and ~~no~~ a person shall not use ~~such-throw~~ tagged  
6 ~~lines or-trotlines~~ in any a stocked lake or within three  
7 hundred feet of any a dam or spillway or in any a stream or  
8 portion of stream, which is closed or posted against the use  
9 of such tackle. One end of such ~~throw~~ lines ~~or-trotlines~~  
10 shall be set from the shore and be visible above the shore  
11 waterline, but no such ~~throw~~ line ~~or-trotline~~ shall be set  
12 entirely across a stream or body of water. Any untagged or  
13 unlawful lines when found in use shall be confiscated by any  
14 officer appointed by the commission director.

15 Sec. 27. Section 109.76, Code 1987, is amended to read as  
16 follows:

17 109.76 UNLAWFUL MEANS -- EXCEPTION.

18 It ~~shall-be~~ is unlawful, except as otherwise provided, to  
19 use on or in the waters of the state any grabhook, snaghook,  
20 any kind of a net, seine, trap, firearm, dynamite, or other  
21 explosives, or poisonous or stupefying substances, lime,  
22 ashes, or electricity in the taking or attempting to take any  
23 fish, except that gaffhooks or landing nets may be used to  
24 assist in landing fish. ~~No~~ A person shall not take or kill,  
25 or attempt to take or kill any fish by hand fishing. However,  
26 carp, buffalo, quillback, gar, sheepshead, dogfish, and other  
27 rough fish designated by the commission may be taken by hand  
28 fishing, by snagging, by spear, by bow and arrow, day or  
29 night, and with artificial light. The snagging of paddlefish  
30 and other game fish may be permitted at such times and at such  
31 places as ~~may-be~~ determined by rate rules of the commission.

32 Sec. 28. Section 109.82, Code 1987, is amended to read as  
33 follows:

34 109.82 PROHIBITED BAIT.

35 It ~~shall-be~~ is unlawful to transport or to use or to sell

1 or offer for bait or to ~~place~~ introduce into any inland waters  
2 of the state or into any waters from which waters of the state  
3 may become stocked any fish of carp, quillback, gar, or  
4 dogfish, and any minnows or fish of any of these species ~~taken~~  
5 ~~shall-not-be-returned-to-any-such-waters,-but-shall-be~~  
6 destroyed. Fish of these species may be returned to the  
7 waters from which they were caught.

8 A person shall not possess live gizzard shad at any lake.

9 Sec. 29. NEW SECTION. 109.83 PROHIBITED STOCKING.

10 A person shall not stock or introduce into the waters of  
11 the state a live fish, except for hooked bait, without the  
12 permission of the director. This section does not apply to  
13 privately owned ponds and lakes.

14 Sec. 30. Section 109.87, Code 1987, is amended to read as  
15 follows:

16 109.87 OPEN SEASONS.

17 Except as otherwise provided, ~~no~~ a person shall not take,  
18 capture, kill, or have in possession any a fur-bearing animal  
19 or any ~~part-thereof~~ of its parts at any time except during the  
20 open season as set by the commission ~~under-authority-of~~  
21 ~~section-109-39~~ except where such the killing, trapping, or  
22 ensnaring ~~may-be~~ is for the protection of public or private  
23 property with the prior written permission of a duly appointed  
24 representative of the commission. All fur-bearing animals so  
25 taken shall be relinquished to a representative of the  
26 commission. ~~Provided,-it-shall-be-lawful-for-any-person-to~~  
27 ~~have-in-possession,-sell,-transport,-or-otherwise-dispose-of~~  
28 ~~during-such-open-season-as-herein-provided,-and-for-ten-days~~  
29 ~~thereafter,-the-carcass-of,-hide-or-skin-of-any-animal-named~~  
30 ~~in-section-109-40-~~

31 ~~Taking-or-attempting-to-take-beaver-on-private-lands-or~~  
32 ~~waters-without-permission-of-the-owner-or-tenant-shall~~  
33 ~~constitute-a-simple-misdemeanor-~~

34 Sec. 31. Section 109.90, Code 1987, is amended to read as  
35 follows:

1 109.90 DISTURBING DENS.

2 ~~It shall be unlawful for any~~ A person to shall not molest  
3 or disturb, in any manner, any muskrat den, lodge, or house,  
4 ~~beaver-dam, skunk, mink, or raccoon-den~~ of a fur-bearing  
5 animal or beaver dam except by written permission of any an  
6 officer appointed by the commission director.

7 ~~Provided however, that nothing in this~~ This section shall  
8 does not prohibit the owner thereof to destroy any such a den  
9 to protect the owner's own property.

10 Sec. 32. Section 109.92, Code 1987, is amended to read as  
11 follows:

12 109.92 BOX TRAPS -- DISTURBING DENS -- TAGS FOR TRAPS.

13 Except as otherwise provided in this chapter ~~no~~ a person  
14 shall ~~at any time,~~ not use or attempt to use any colony traps  
15 in taking, capturing, trapping, or killing any game or fur-  
16 bearing animals. Box traps capable of capturing more than one  
17 game or fur-bearing animal at each setting are prohibited. A  
18 valid hunting license is required for box trapping cottontail  
19 rabbits and squirrels. All traps and snares used for the  
20 taking of fur-bearing animals shall have a metal tag attached  
21 plainly labeled with the ~~owner's~~ user's name and address. All  
22 traps and snares, except those which are placed entirely under  
23 water, shall be checked at least once every twenty-four hours.  
24 Officers appointed by the ~~commission shall have authority to~~  
25 department may confiscate such traps when and snares found in  
26 use that are not properly labeled or checked.

27 ~~It shall be unlawful for any person, except~~ Except as  
28 otherwise provided, ~~to~~ a person shall not use any chemicals,  
29 explosives, smoking devices, mechanical ferrets, wire, tool,  
30 instrument, or water to remove fur-bearing animals from their  
31 dens. Humane traps, or traps designed to kill instantly, with  
32 a jaw spread, as originally manufactured, exceeding eight  
33 inches ~~shall be~~ are unlawful to use except when placed  
34 entirely under water.

35 Conibear type traps and snares shall not be set on the

1 right-of-way of a public road.

2 Sec. 33. Section 109.93, Code 1987, is amended to read as  
3 follows:

4 109.93 HUNTING BY ARTIFICIAL LIGHT.

5 ~~It shall be unlawful to~~ A person shall not throw or cast  
6 the rays of a spotlight, headlight, or other artificial light  
7 on any a highway, or in any a field, woodland, or forest for  
8 the purpose of spotting, locating, or taking or attempting to  
9 take or hunt any a bird or animal, except raccoons or other  
10 fur-bearing animals when treed with the aid of dogs, while  
11 having in possession or control, either singly or as one of a  
12 group of persons, any firearm, bow, or other implement or  
13 device whereby game a bird or animal could be killed or taken.

14 ~~Any person violating this section shall be guilty of a~~  
15 ~~simple misdemeanor.~~

16 Sec. 34. Section 109.98, Code 1987, is amended to read as  
17 follows:

18 109.98 REPORTING VIOLATIONS.

19 ~~It shall be the duty of each~~ Each fur dealer to shall  
20 report to the commission, the name of any person if known to  
21 ~~such the~~ dealer, who attempts to sell any skins or hides which  
22 appear to have been unlawfully taken, or possessed by ~~said~~  
23 that person.

24 Sec. 35. Section 109.120, Code 1987, is amended to read as  
25 follows:

26 109.120 HUNTING FROM AIRCRAFT OR SNOWMOBILES PROHIBITED.

27 ~~It shall be unlawful for any~~ A person to, either singly or  
28 as one of a group of persons, shall not intentionally kill or  
29 wound, attempt to kill or wound, or pursue any animal, fowl,  
30 or fish from or with an aircraft in flight or from or with any  
31 self-propelled vehicles designed for travel on snow or ice  
32 which utilize sled type runners, or skis, or an endless belt  
33 tread, or wheel or any combination thereof and which are  
34 commonly known as snowmobiles. ~~Any person who violates the~~  
35 ~~provisions of this section shall be guilty of a simple~~

1 misdemeanor:

2 Sec. 36. Section 109.122, Code 1987, is amended to read as  
3 follows:

4 109.122 DEER HUNTERS' ORANGE APPAREL.

5 ~~It shall be unlawful for any~~ A person ~~to~~ shall not hunt  
6 deer with firearms unless the person is at the time wearing  
7 one or more of the following articles of visible, external  
8 apparel: ~~Vest~~ A hat, cap, vest, coat, jacket, sweatshirt,  
9 sweater, shirt or coveralls, hat-or-cap, the color of which  
10 shall be solid blaze orange and shall provide an iridescent  
11 effect.

12 Sec. 37. Section 109.123, Code 1987, is amended to read as  
13 follows:

14 109.123 PROHIBITED HUNTING NEAR BUILDINGS.

15 A person shall not ~~hunt~~ discharge a firearm at any game or  
16 fur-bearing animal within two hundred yards of any a building  
17 inhabited by people or domestic livestock unless the owner or  
18 tenant has given consent.

19 Sec. 38. Section 109.126, Code 1987, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 6. All transactions, tags, and specimens  
22 left in the custody of the taxidermist by another person shall  
23 be open to inspection by a conservation officer at any reason-  
24 able hour.

25 Sec. 39. Section 109.126, subsection 2, Code 1987, is  
26 amended to read as follows:

27 2. A license is required for the practice of taxidermy.  
28 The commission, upon application and payment of the required  
29 license fee, shall furnish proper certificates to the  
30 applicant. The director may revoke the license for good  
31 cause.

32 Sec. 40. Section 109.130, Code 1987, is amended to read as  
33 follows:

34 109.130 DAMAGES IN ADDITION TO PENALTY.

35 In addition to the penalties for violations of this chapter

1 and chapters 109A, 109B, 111, and 111A, any a person convicted  
2 of unlawfully selling, taking, catching, killing, injuring,  
3 destroying, or having in possession any fish, game, or fur-  
4 bearing animal, shall reimburse the state for the value of  
5 such as follows:

6 1. For each deer, elk, antelope, buffalo or moose, seven  
7 hundred-fifty one thousand dollars.

8 2. For each wild turkey, two hundred dollars.

9 3. For each game bird, fur-bearing animal or game animal  
10 or the raw pelt or plumage of such game bird or animal for  
11 which damages are not otherwise prescribed, twenty-five-to  
12 fifty dollars.

13 4. For each fish, five reptile, mussel, or amphibian,  
14 fifteen dollars.

15 5. For each beaver, mink, otter, red fox, gray fox, or  
16 raccoon, one hundred dollars.

17 6. For each animal classified by the commission as an  
18 endangered or threatened species, one thousand dollars.

19 Sec. 41. Section 110A.3, unnumbered paragraph 2, Code  
20 1987, is amended to read as follows:

21 Pen-reared game birds, as defined in section ~~109-41~~ 109.1,  
22 released on licensed area may be taken during the shooting  
23 season provided in this chapter but not to exceed eighty  
24 percent of the total number of the species of said game birds  
25 released. Pen-reared waterfowl, two generations removed from  
26 the wild and chukar partridge may be released at any time of  
27 year for shooting purposes and one hundred percent may be  
28 harvested by shooting. The word "waterfowl" shall be defined  
29 as those birds constituting the Anatidae as listed in section  
30 ~~109-41~~ 109.1. All birds so released shall be at least twelve  
31 weeks of age before liberation date. A minimum of one hundred  
32 pen-reared birds of each species to be shot shall be released  
33 during the open season. Experimental releases of less than  
34 one hundred birds of each species shall require a special  
35 permit from the commission department.

1 Sec. 42. Sections 109.40, 109.41, and 109.43 through  
2 109.46, Code 1987, are repealed.

3 EXPLANATION

4 This bill contains several revisions of the laws regarding  
5 hunting, fishing, and trapping.

6 Section 1 transfers the definitions of "bird, fish, frog,  
7 mussels, fur-bearing animals, and game" to the definitions  
8 section and adds definitions of "spawn, turtle, amphibian, and  
9 reptile".

10 Section 2 amends the definition of taking an animal and  
11 expands the definition of mammal.

12 Sections 3 and 4 extend the commission's search and seizure  
13 authority to violations of other chapters.

14 Section 5 removes an authorization of crow hunting when  
15 training hunting dogs.

16 Section 6 makes it a violation to use radio to hunt fur-  
17 bearing animals but allows such coyote hunting for a limited  
18 period.

19 Section 7 establishes a minimum fine of \$10 for violations  
20 of the chapter.

21 Section 8 makes shipping raw pelts and fur in violation of  
22 the chapter by common carrier a violation.

23 Sections 9 and 10 amend the section on presumptive  
24 evidence.

25 Section 11 allows the commission greater flexibility in the  
26 issuance of deer and wild turkey licenses.

27 Section 12 allows the commission greater flexibility in  
28 reducing deer population on federal property.

29 Section 13 requires a catch in violation of law to be ex-  
30 hibited.

31 Section 14 prohibits the use of any device to chase animals  
32 from dens.

33 Section 15 removes a requirement for the marking of deer  
34 hides.

35 Section 16 allows dog training during the gun season for

- 1 deer.
- 2 Section 17 limits possession of fur-bearing animals or  
3 pelts after the season.
- 4 Sections 18, 19, and 20 revise and expand the regulation of  
5 game breeders.
- 6 Section 21 expands the bait dealer's license to cover  
7 crayfish and salamanders.
- 8 Section 22 authorizes a wildlife salvage permit and a  
9 wildlife rehabilitation permit.
- 10 Section 23 authorizes regulation of the taking of turtles.
- 11 Section 24 allows the commission to designate game, commer-  
12 cial, and rough fish by rule.
- 13 Section 25 revises attendance of fish lines and snagging.
- 14 Section 26 expands the application of tagged lines  
15 regulations.
- 16 Section 27 allows the snagging of game fish.
- 17 Section 28 allows the return of rough fish from the water  
18 from which they were taken.
- 19 Section 29 prohibits the stocking of fish in public waters  
20 without the director's permission.
- 21 Section 30 requires written permission of the commission to  
22 kill a destructive fur-bearing animal out of season and  
23 requires the carcass to be relinquished to the commission.
- 24 Section 31 expands the prohibition on destroying the den or  
25 lodge of a fur-bearing animal.
- 26 Section 32 requires snares to be tagged and prohibits  
27 snares and conibear type traps from public road rights-of-way.
- 28 Section 33 expands the prohibition on hunting with lights.
- 29 Section 34 requires fur dealers to report apparently un-  
30 lawfully taken hides.
- 31 Section 35 expands the prohibition on hunting from snow-  
32 mobiles or aircraft.
- 33 Section 36 expands the clothing that will satisfy the blaze  
34 orange requirement while hunting deer.
- 35 Section 37 allows a person to stalk or pursue animals but

1 not fire, within 200 yards of an inhabited building, without  
2 the owner's consent.

3 Section 38 allows the commission to inspect taxidermy  
4 records and specimens, and section 39 authorizes the revoca-  
5 tion of a taxidermy license.

6 Section 40 increases the civil penalties for unlawful  
7 taking of animals and expands the violations for which they  
8 may be imposed.

9 Section 41 coordinates a cross reference.

10 Section 42 repeals transferred definitions and reciprocity  
11 provisions.

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HOUSE FILE 395

H-3144

- 1 Amend House File 395 as follows:  
2 1. Page 19, line 1, by inserting after the word  
3 "road" the following: "within one hundred yards of  
4 the entry to a private drive serving a residence  
5 without the permission of the occupant".

BY JOHNSON of Winneshiek  
PLATT of Muscatine  
COOPER of Lucas  
MUHLBAUER of Crawford  
PAULIN of Plymouth  
FOGARTY of Palo Alto  
H-3144 FILED MARCH 4, 1987  
*Adopted 3/16/87 (p. 641)*

BLACK of Jasper  
KOENIGS of Mitchell  
PELLETT of Cass  
BRANSTAD of Winnebago  
FULLER of Hardin  
TYRRELL of Iowa

HOUSE FILE 395

H-3171

- 1 Amend House File 395 as follows:  
2 1. Page 20, by inserting after line 18 the  
3 following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 109.124 MARKING OF TRAP  
5 SITES.  
6 A person shall not place within the right-of-way of  
7 a public road a trap, stake, flag, marker, or other  
8 device to be used for trapping furbearing animals, or  
9 to mark or otherwise claim a site for trapping  
10 furbearing animals, except during the open season."  
11 2. Page 21, by inserting after line 35 the  
12 following:  
13 "Sec. \_\_\_\_ . Section 805.8, subsection 5, paragraph  
14 b, Code 1987, is amended to read as follows:  
15 b. For violations of sections 109.54, 109.80,  
16 first paragraph, 109.82, 109.91, 109.122, 109.123,  
17 109.124, and 110.19, the scheduled fine is twenty  
18 dollars."  
19 3. By renumbering sections to conform to this  
20 amendment.

H-3171 FILED MARCH 10, 1987 BY TYRRELL of Iowa  
*W/D 3/16 (p. 641)*

NATURAL RESOURCES: Tieden, Chair; Peterson and Hall

Amended (3515) + L. Pass 4/10/87 (p. 1220)

HOUSE FILE **395**

BY COMMITTEE ON NATURAL RE-  
SOURCES AND OUTDOOR RECREATION

(As Amended and Passed by the House March 16, 1987)

Passed House, Date See below Passed Senate, Date 4/21/87 (p. 1438)  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 47 Nays 2  
Approved May 11, 1988

**A BILL FOR**

1 An Act relating to the taking of animals and subjecting violators  
2 to penalties.

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

House Amendments \_\_\_\_\_

Conference Committee

Senators Hall (Chair), Riordan, Lannon, Tieden, Taylor 5/1/87 (p. 1649)  
Representatives Block (Chair), Dennis, Dorschner, Pellatt, Schaefer 5/4 (p. 1920)

2<sup>nd</sup> Conference Committee

Representatives Johnson (Chair), Black, Brooks, Dene, Steward 2/25 (p. 1072)  
Senators Hunsak (Chair) Scott, Miller of C. J., Heston, Benson 3/130 (p. 1152)

Passed per 2<sup>nd</sup> Conference Committee Report

House 4/15/88 (p. 2030) Senate 4/16/88 (p. 1700)  
91-13 22-11

1 Section 1. Section 109.1, Code 1987, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 16. "Bird" means a member of the class  
4 Aves.

5 NEW SUBSECTION. 17. "Fish" means a member of the class  
6 Pisces.

7 NEW SUBSECTION. 18. "Frog" means a member of the order  
8 Anura.

9 NEW SUBSECTION. 19. "Amphibian" means a member of the  
10 class Amphibia.

11 NEW SUBSECTION. 20. "Reptile" means a member of the class  
12 Reptilia.

13 NEW SUBSECTION. 21. "Mussels" means the pearly fresh  
14 water mussels, clams or naiads, and their shells.

15 NEW SUBSECTION. 22. "Fur-bearing animals" means the  
16 following which are declared to be fur-bearing animals for the  
17 purpose of regulation and protection under the Code: beaver,  
18 badger, mink, otter, muskrat, raccoon, skunk, opossum,  
19 spotted skunk or civet cat, weasel, coyote, bobcat, wolf,  
20 groundhog, red fox, and gray fox. This chapter does not apply  
21 to domesticated fur-bearing animals.

22 NEW SUBSECTION. 23. "Game" means all of the animals  
23 specified in this subsection except those designated as not  
24 protected, and includes the heads, skins, and any other parts,  
25 and the nests and eggs of birds and their plumage.

26 a. The Anatidae: such as swans, geese, brant, and ducks.

27 b. The Rallidae: such as rails, coots, mudhens, and  
28 gallinules.

29 c. The Limicolae: such as shore birds, plovers, surf  
30 birds, snipe, woodcock, sandpipers, tattlers, godwits, and  
31 curlews.

32 d. The Gallinae: such as wild turkeys, grouse, pheasants,  
33 partridges, and quail.

34 e. The Columbidae: such as mourning doves and wild rock  
35 doves only.

1 f. The Sciuridae: such as gray squirrels, fox squirrels.

2 g. The Leporidae: cottontail rabbits and jack rabbits  
3 only.

4 h. The Cervidae: such as deer and elk.

5 NEW SUBSECTION. 24. "Spawn" means any of the eggs of any  
6 fish, amphibian, or mussel.

7 NEW SUBSECTION. 25. "Turtle" means any member of the  
8 order Testudines.

9 NEW SUBSECTION. 26. "Biological balance" means that  
10 condition when the number of animals present over the long  
11 term is at or near the number of animals of a particular  
12 species that the available habitat is capable of supporting.

13 Sec. 2. Section 109.1, subsections 8 and 14, Code 1987,  
14 are amended to read as follows:

15 8. "Take" or "taking" or "attempting to take" or "hunt" is  
16 any pursuing, or any hunting, fishing, killing, trapping,  
17 snaring, netting, searching for or shooting at, stalking or  
18 lying in wait for any game, animal, bird, or fish protected by  
19 the state laws or regulations rules adopted by the commission  
20 whether or not such game animal be then subsequently captured,  
21 killed, or injured.

22 14. "Wild mammal" means a ~~mammal-and-family-of-mammal~~  
23 ~~listed-in-sections-109-40-and-109-41~~ member of the class  
24 Mammalia.

25 Sec. 3. Section 109.12, Code 1987, is amended to read as  
26 follows:

27 109.12 SEIZURE OF UNLAWFUL GAME.

28 ~~It-shall-be-the-duty-of-the~~ The director or any peace  
29 officer to shall seize with or without warrant and take  
30 possession of any fish, furs, birds, or animals, or mussels,  
31 clams, and or frogs, ~~except-for-bait~~ which have been caught,  
32 taken, or killed at a time, in a manner, or for a purpose, or  
33 had in possession or under control, or offered for shipment,  
34 or illegally transported in the state or to a point beyond the  
35 its borders thereof, contrary to the ~~provisions-of-this~~

1 chapter Code.

2 Sec. 4. Section 109.13, Code 1987, is amended to read as  
3 follows:

4 109.13 SEARCH WARRANTS.

5 Any court having jurisdiction of the offense, upon  
6 receiving proof of probable cause for believing that any fish,  
7 mussels, clams, frogs, birds, furs, or animals caught, taken,  
8 killed, had in possession, under control, or shipped, contrary  
9 to ~~any-of-the-provisions-of-this-chapter~~ the Code, or hidden  
10 or concealed in any place, shall issue a search warrant and  
11 cause a search to be made in any place therefor. The property  
12 so seized under ~~such~~ warrant shall be safely kept under the  
13 direction of the court so long as necessary for the purpose of  
14 being used as evidence in any trial, and if ~~such~~ a trial  
15 results in a conviction the property seized shall be  
16 confiscated by the director or the director's officers.

17 Sec. 5. Section 109.21, Code 1987, is amended to read as  
18 follows:

19 109.21 BIRDS AS TARGETS.

20 No A person shall not keep or use any live pigeon or other  
21 bird as a target, to be shot at for amusement or as a test of  
22 skill in marksmanship, or shoot at a bird kept or used for  
23 such purpose, or be a party to such shooting, or lease any  
24 building, room, field, or premises, or knowingly permit the  
25 use thereof, for the purpose of such shooting. ~~Nothing-in~~  
26 ~~this~~ This section ~~shall~~ does not prevent any person from  
27 shooting at live pigeons, sparrows, ~~erows~~ and starlings when  
28 used in the training of hunting dogs.

29 Sec. 6. Section 109.24, Code 1987, is amended to read as  
30 follows:

31 109.24 USE OF C.B. OR MOBILE TRANSMITTER PROHIBITED.

32 A person who is hunting shall not use a mobile radio  
33 transmitter to communicate the location or direction of game  
34 or fur-bearing animals or to co-ordinate the movement of other  
35 hunters. This section does not apply to the hunting of

1 coyotes from January 1 through March 31.

2 Sec. 7. Section 109.32, unnumbered paragraph 1, Code 1987,  
3 is amended to read as follows:

4 Whoever shall take, catch, kill, injure, destroy, have in  
5 possession, buy, sell, ship, or transport any frogs, fish,  
6 mussels, birds, their nests, eggs, or plumage, fowls, game, or  
7 animals or their fur or raw pelt in violation of the  
8 provisions of this chapter or of administrative rules of the  
9 commission or whoever shall use any device, equipment, seine,  
10 trap, net, tackle, firearm, drug, poison, explosive, or other  
11 substance or means, the use of which is prohibited by this  
12 chapter, or use the same at a time, place, or in a manner or  
13 for a purpose prohibited, or do any other act in violation of  
14 the provisions of this chapter or of administrative rules of  
15 the commission for which no other punishment is provided,  
16 ~~shall-be~~ is guilty of a simple misdemeanor and shall be  
17 assessed a minimum fine of ten dollars for each offense.

18 Sec. 8. Section 109.34, Code 1987, is amended to read as  
19 follows:

20 109.34 VIOLATIONS BY COMMON CARRIER.

21 Any A common carrier which ~~shall-violate~~ violates any of  
22 the provisions of this chapter relating to receiving, having  
23 in possession, shipping, or delivering any fish, fowls, birds,  
24 birds' nests, eggs, or plumage, fur, raw pelts, game, or  
25 animals, in violation of the provisions of ~~this-chapter~~ the  
26 Code or contrary to the regulations and restrictions therein  
27 provided in this chapter, and any agent, employee, or servant  
28 of ~~such-corporation~~ a common carrier violating such  
29 provisions, ~~shall-be~~ is guilty of a simple misdemeanor.

30 Sec. 9. Section 109.37, subsection 1, Code 1987, is  
31 amended by striking the subsection.

32 Sec. 10. Section 109.37, subsection 4, Code 1987, is  
33 amended to read as follows:

34 4. Have in possession any implements, devices, equipment,  
35 or means whatever of taking fish, birds, or animals protected

1 by ~~this chapter~~ the Code at any place where the possession or  
2 use thereof is prohibited.

3 Sec. 11. Section 109.38, unnumbered paragraph 1, and  
4 subsections 1 and 2, Code 1987, are amended to read as  
5 follows:

6 It ~~shall be~~ is unlawful for any a person to take, pursue,  
7 kill, trap or ensnare, buy, sell, possess, transport, or  
8 attempt to so take, pursue, kill, trap or ensnare, buy, sell,  
9 possess, or transport any game, protected nongame birds  
10 animals, fur-bearing animals or fur or skin of such animals,  
11 mussels, frogs, spawn or fish or any part thereof, except upon  
12 the terms, conditions, limitations, and restrictions set forth  
13 herein, and administrative orders rules necessary to carry out  
14 the purposes set out in section 109.39, or as provided by the  
15 Code.

16 1. The commission may upon its own motion and after an  
17 investigation, alter, limit, or restrict the methods or means  
18 employed and the instruments or equipment used in taking wild  
19 mammals, ~~wild-turkey,-pheasant,-quail~~ birds, fish, reptiles,  
20 and amphibians, if the investigation reveals that the action  
21 would be desirable or beneficial in promoting the interests of  
22 conservation, or the commission may, after an investigation  
23 when it is found there is imminent danger of loss of fish  
24 through natural causes, authorize the taking of fish by means  
25 found advisable to salvage imperiled fish populations.

26 2. ~~If following an investigation the commission finds that~~  
27 ~~the number of hunters licensed to take deer or wild-turkey~~  
28 ~~should be limited, further regulated, or expanded, the~~  
29 ~~commission shall conduct a drawing to determine which~~  
30 ~~applicants receive a license. If further deer depopulation is~~  
31 ~~warranted in localized areas, the commission shall consider~~  
32 ~~additional hunting days and additional any-sex deer licenses~~  
33 ~~shall be issued for those areas. Applications for licenses~~  
34 ~~shall be received and accepted during a forty-five-day period~~  
35 ~~established by the commission. At the end of the period the~~

1 ~~drawing shall be conducted. If the quota has not been filled,~~  
2 ~~licenses shall be issued in the order in which applications~~  
3 ~~are received and shall continue to be issued until the quota~~  
4 ~~has been met or until a date fifteen days prior to the opening~~  
5 ~~day of the season, whichever first occurs. If the commission~~  
6 finds that the number of hunters licensed or the type of  
7 license issued to take deer or wild turkey should be limited  
8 or further regulated the commission shall conduct a drawing to  
9 determine which applicants shall receive a license and the  
10 type of license. Applications for licenses shall be received  
11 during a period established by the commission. At the end of  
12 the period a drawing shall be conducted. The commission may  
13 establish rules to issue licenses after the established  
14 application period. If an applicant receives a deer license  
15 which is more restrictive than licenses issued to others for  
16 the same period and place, the applicant shall receive a  
17 certificate with the license entitling the applicant to  
18 priority in the drawing for the less restrictive deer licenses  
19 the following year. The certificate must accompany that  
20 person's application the following year, or the applicant will  
21 not receive this priority. Persons purchasing a deer license  
22 for the gun season under this section and under section 110.1  
23 are not eligible for a gun deer-hunting license under section  
24 110.24. This subsection does not apply to the hunting of  
25 wild turkey on game breeding and shooting preserves licensed  
26 under chapter 110A.

27 Sec. 12. Section 109.39, Code 1987, is amended to read as  
28 follows:

29 109.39 BIOLOGICAL BALANCE MAINTAINED.

30 ~~The open seasons, closed seasons, bag limits, size limits,~~  
31 ~~catch limits, possession limits and territorial limitations~~  
32 ~~set forth herein pertaining to fish, game and various species~~  
33 ~~of wildlife are based upon a proper biological balance as~~  
34 ~~hereinafter defined being maintained for each species or kind.~~  
35 ~~The seasons, catch limits, bag limits, size limits, possession~~

1 ~~limits and territorial limitations set forth herein shall~~  
2 ~~prevail and be in force and effect for each and every species~~  
3 ~~of wildlife to which they pertain as long as the biological~~  
4 ~~balance for each species or kind remain such as to assure the~~  
5 ~~maintenance of an adequate supply of such species. The~~  
6 ~~commission is designated the sole agency to determine the~~  
7 ~~facts as to whether such biological balance does or does not~~  
8 ~~exist. If the commission, after investigation finds that the~~  
9 ~~number or the number and sex of each or any species or kind of~~  
10 ~~wildlife is at variance to aforesaid condition, the~~ The  
11 ~~commission shall, by administrative rule, extend, shorten,~~  
12 ~~open, or close seasons and set, increase, or reduce catch~~  
13 ~~limits, bag limits, size limits, possession limits, or~~  
14 ~~territorial limitations or further regulate taking conditions~~  
15 ~~in accordance with said findings~~ sound fish and wildlife  
16 management principles. ~~For the purpose of this section~~  
17 ~~biological balance is defined as that condition when all~~  
18 ~~losses to population are compensated by natural reproductive~~  
19 ~~activity or artificial replenishment, replacement or stocking.~~  
20 ~~If the commission finds that the biological balance of deer~~  
21 ~~cannot be maintained on land owned by the federal government~~  
22 ~~because of hunting prohibitions on weekdays, the commission~~  
23 ~~may extend the open season for deer hunting within such areas~~  
24 ~~for one or more weekends beyond the regular season as~~  
25 ~~established by the commission. The total number of days of~~  
26 ~~deer hunting permitted in areas owned by the federal~~  
27 ~~government shall not exceed the total number of days~~  
28 ~~authorized for deer hunting in the state, or that part of the~~  
29 ~~state in which the federal owned land is located, as~~  
30 ~~established by the commission.~~

31 Sec. 13. Section 109.52, Code 1987, is amended to read as  
32 follows:

33 109.52 EXHIBITING CATCH TO OFFICER.

34 Any A person who ~~shall have~~ has in possession any game bird  
35 or game animal, fish or fur or part thereof shall upon request

1 of the director or any officer appointed by the commission  
2 department exhibit the same it to the director or officer, and  
3 a refusal to do so ~~shall constitute~~ is a violation of this  
4 chapter the Code.

5 Sec. 14. Section 109.53, Code 1987, is amended to read as  
6 follows:

7 109.53 CHASING FROM DENS.

8 It ~~shall be~~ is unlawful to have in possession while hunting  
9 or to use while hunting any ferret or ~~mechanical~~ any device or  
10 any substance to be used for chasing animals from their dens.

11 Sec. 15. Section 109.55, Code 1987, is amended to read as  
12 follows:

13 109.55 SELLING GAME.

14 Except as otherwise provided, ~~it shall be unlawful for any~~  
15 a person to shall not buy or sell, dead or alive, any a bird  
16 or animal or any part thereof of one which is protected by  
17 this chapter, ~~but nothing in this section shall~~ does not apply  
18 to fur-bearing animals, rabbits, and the skins, and plumage,  
19 and antlers of legally taken game. ~~Deer hides shall be~~  
20 ~~plainly labeled with the owner's name and address and license~~  
21 ~~number prior to the sale. This name and address and license~~  
22 ~~number must remain attached to the hide while such hide is~~  
23 ~~within the boundaries of this state. This section does not~~  
24 prohibit the purchase of jack rabbits from sources outside  
25 this state. No A person shall not purchase, sell, barter, or  
26 offer to purchase, sell, or barter for millinery or ornamental  
27 use the feathers of migratory game birds; and ~~no a~~ a person  
28 shall not purchase, sell, barter, or offer to purchase, sell,  
29 or barter mounted specimens of migratory game birds.

30 Sec. 16. Section 109.56, subsection 1, Code 1987, is  
31 amended to read as follows:

32 1. ~~Except during the open gun season for hunting deer at~~  
33 ~~which time no training of dogs is allowed, any~~ A person having  
34 a valid hunting license may train a bird dog on any game birds  
35 and a person having a valid fur harvester license may train a

1 coon hound, fox hound, or trailing dog on any fur-bearing  
2 animals at any time of the year including during the closed  
3 season on such birds or animals, ~~provided.~~ However, the  
4 animals when pursued to a tree or den shall not be further  
5 chased or removed in any manner from the tree or den. A  
6 person having a hunting license may train a dog on coyote or  
7 groundhog.

8 Only a pistol, revolver, or other gun shooting blank  
9 cartridges shall be used while training dogs during closed  
10 season except as provided in subsection 2 of this section.

11 Sec. 17. Section 109.57, Code 1987, is amended to read as  
12 follows:

13 109.57 POSSESSION AND STORAGE.

14 Any A person having lawful possession of game or fur-  
15 bearing animals or their pelts may hold same them for not to  
16 exceed ten thirty days after the close of the open season for  
17 such game or fur-bearers. A permit to hold such-game for a  
18 longer period may be granted by the commission department.

19 Sec. 18. Section 109.60, Code 1987, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 109.60 RAISING GAME -- RULEMAKING AUTHORITY.

22 A person shall not raise or sell game or fur-bearing  
23 animals of the kinds protected by this chapter without first  
24 procuring a game breeder's license as provided by law. The  
25 commission may adopt rules which ensure that all game birds,  
26 game animals, and fur-bearing animals handled and confined by  
27 licensed game breeders are provided with humane care and  
28 treatment. A violation of a rule adopted by the commission is  
29 a cause for license revocation. This section does not apply  
30 to governmental zoos and exhibits.

31 Sec. 19. Section 109.61, Code 1987, is amended by striking  
32 the section and inserting in lieu thereof the following:

33 109.61 LICENSED GAME BREEDERS -- MARKETING GAME --PENALTY.

34 1. Except as otherwise provided by law, a licensed game  
35 breeder whose original stock is obtained from a lawful source

1 may possess any game bird, game animal, or fur-bearing animal,  
2 or any of their parts. Possession and use of the game birds,  
3 game animals, or fur-bearing animals obtained from a licensed  
4 game breeder are lawful.

5 2. Fur-bearing animals shall not be acquired for breeding  
6 or propagating purposes from any source unless they have been  
7 pen-raised for at least two successive generations.

8 3. A game breeder's license is not a license to possess,  
9 breed, propagate, sell, or dispose of any species which is  
10 defined as endangered or threatened under state law unless the  
11 species is listed on the license. Its possession, breeding,  
12 propagation, sale, and disposal are subject to all applicable  
13 state and federal statutes.

14 4. A licensed game breeder shall not acquire protected  
15 live game animals, game birds, their eggs, or fur-bearing  
16 animals taken from the wild within this state.

17 5. Game birds or game animals may be sold for food only  
18 under the following conditions:

19 a. The licensed game breeder shall file with the  
20 commission a facsimile of a stamp of similar type to that used  
21 by the United States department of agriculture in grading  
22 meat.

23 b. Licensed game breeders may sell dressed game birds or  
24 game animals to markets for resale providing each game bird or  
25 game animal has affixed upon it in a conspicuous and legible  
26 manner the imprint of the game breeder's stamp.

27 c. The stamp shall bear the name and number of the game  
28 breeder in letters of at least twelve-point type size.

29 6. Markets selling stamped game shall:

30 a. Maintain the stamp on each game bird or game animal  
31 until the bird or animal is disposed of or sold.

32 b. Keep a record showing the total number of game birds or  
33 game animals sold together with the name and address of the  
34 game breeder from whom purchased and the number of game birds  
35 and animals in each purchase.

1 7. Markets selling stamped game, together with their  
2 records, are subject to inspection by an authorized  
3 representative of the commission at any reasonable time.

4 8. Violation of a provision of this section may be cause  
5 for license revocation.

6 Sec. 20. Section 109.62, Code 1987, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 109.62 RECORDS -- REPORTS -- INSPECTION.

9 1. A holder of a game breeder's license shall keep the  
10 records and make the reports required by this section on forms  
11 provided by the department. The records shall be open for  
12 inspection at any reasonable time by the department or its  
13 authorized agents.

14 2. At the time of every sale or conveyance of an animal,  
15 animal parts, or products, the licensee shall complete a game  
16 breeder's sales receipt on forms provided by the department.  
17 The forms shall require the following information:

18 a. The name, address, county, and license number assigned  
19 to the breeder.

20 b. The name and address of the purchaser.

21 c. The number, species, sex, and age of the animals or  
22 birds conveyed.

23 3. Licensees shall maintain business records for all  
24 species in an annual report record book. The records shall  
25 include the following information:

26 a. For each animal acquired other than by birth on the li-  
27 censee's game farm, the sex and species, the date of  
28 acquisition, the number acquired, and the name and address of  
29 the source from which acquired.

30 b. For each animal born on the licensee's game farm, the  
31 sex, species, date of birth, and number of any band, tag, or  
32 tattoo subsequently attached to the animal.

33 c. For each animal sold or disposed of other than by death  
34 the same information required by the game breeder's sales  
35 receipt.

1 d. For each animal which dies, disappears, or is destroyed  
2 on the licensee's game farm, the sex, species, date of death,  
3 and the number of any band, tag, or tattoo attached to the  
4 animal.

5 The licensee's copies of the required sales receipts shall  
6 be kept with the record book and are considered a part of it.

7 Records required by this section shall be entered in the  
8 annual report record book within forty-eight hours of the  
9 event.

10 4. Each licensee shall file an annual report with the  
11 commission on or before January 31. The report shall detail  
12 the game breeder's operations during the preceding license  
13 year. The original report shall be forwarded to the  
14 department and a copy shall be retained in the breeder's file  
15 for a period of three years from the date of expiration of the  
16 breeder's last license issued. Failure to keep or submit the  
17 required records and report are grounds for a refusal to renew  
18 a license for the succeeding year.

19 5. An on-site inspection of facilities shall be conducted  
20 by an officer of the commission prior to the initial issuance  
21 of a game breeder's license. The facilities may be  
22 reinspected by an officer of the commission at any reasonable  
23 time.

24 6. Any officer of the commission may enter any place where  
25 any game bird, game animal, or fur-bearing animal is at the  
26 time located, or where it has been kept, or where the carcass  
27 of such animal may be, for the purpose of examining it in any  
28 way that may be necessary to determine whether it was or is  
29 infected with any contagious or infectious disease.

30 7. For the purpose of this section, infectious and  
31 contagious disease includes rabies, hoof and mouth disease,  
32 leptosirosis, black-head, or any other communicable disease so  
33 designated by the commission.

34 8. The commission may regulate or prohibit the importation  
35 into the state and exportation from the state of any species

1 of game bird, game animal, or fur-bearing animal, domesticated  
2 or not, which in its opinion, for any reason, is determined to  
3 be detrimental to the health of animals within or without the  
4 state.

5 9. The commission may quarantine or destroy any game bird,  
6 game animal, or fur-bearing animal which is found to be  
7 infected with any contagious or infectious disease.

8 10. A licensed game breeder or other person having control  
9 of any game bird, game animal, or fur-bearing animal shall not  
10 knowingly offer for sale, sell, or barter such birds or  
11 animals which have an infectious or contagious disease, or  
12 allow those birds or animals to run at large or come in  
13 contact with any other game birds, game animals, or fur-  
14 bearing animals.

15 Sec. 21. Section 109.63, unnumbered paragraphs 1 and 2,  
16 Code 1987, are amended to read as follows:

17 Any person may be authorized to sell minnows, frogs,  
18 crayfish, salamanders, and ~~clams~~ mussels for fish bait upon  
19 the payment of a license fee to the commission. Minnow and  
20 bait boxes and tanks shall be open to inspection by the  
21 director and conservation officers at all times. ~~They~~ The  
22 licensee shall have tanks and bait boxes of sufficient size,  
23 with proper aeration to keep the bait alive and prevent heavy  
24 loss.

25 ~~Such~~ Except for species listed under chapter 109A as  
26 endangered or threatened, the license shall authorize the  
27 licensee to take from the lakes and streams in the state that  
28 are not closed to the taking of minnows, frogs, crayfish,  
29 salamanders, and ~~clams~~ mussels, sufficient minnows, frogs,  
30 crayfish, salamanders, and ~~clams~~ mussels to carry on and  
31 supply the licensee's customers with bait for hook and line  
32 fishing if the licensee is present while the bait is being  
33 collected.

34 Sec. 22. Section 109.65, Code 1987, is amended by striking  
35 the section and inserting in lieu thereof the following:

## 1     109.65   LICENSES.

2     The director may, after investigation, issue to any person  
3 a scientific collector's license, a wildlife salvage permit,  
4 educational project permit, or a wildlife rehabilitation  
5 permit. A scientific collector's license will authorize the  
6 licensee to collect for scientific purposes only, any birds,  
7 nests, eggs, or wildlife. A salvage permit will authorize the  
8 permittee to salvage for educational purposes, any birds,  
9 nests, eggs, or animals according to the rules of the  
10 department. An educational project permit authorizes the  
11 permittee to collect, keep, or possess for educational  
12 purposes birds, fish or wildlife which are not endangered,  
13 threatened or otherwise specially managed according to the  
14 rules of the department. A wildlife rehabilitation permit  
15 will authorize the permittee to possess for rehabilitation  
16 purposes only, any orphaned or injured wildlife according to  
17 the rules of the department. A person to whom a license or  
18 permit is issued shall not dispose of any birds, nests, eggs,  
19 or wildlife or their parts except upon written permission of  
20 the director. The application for such licenses and permits  
21 shall be made upon blanks furnished by the department. Each  
22 holder of a license or permit shall, by January 31 of each  
23 year, file with the department a report showing all specimens  
24 collected or possessed under authority of the license or  
25 permit. Upon a showing of cause the department may enter and  
26 inspect the premises and collections authorized by this  
27 section. A license or permit may be revoked by the director,  
28 after due notice, at any time for cause.

29     Sec. 23. Section 109.67, Code 1987, is amended to read as  
30 follows:

## 31     109.67   SEASONS AND LIMITS.

32     It is unlawful for any a person, except as otherwise  
33 expressly provided, to take, capture, or kill fish, or frogs,  
34 or turtles except during the open season established by the  
35 commission. It is unlawful during open season to take in any

1 one day an amount in excess of the daily catch limit  
2 designated for each variety or each locality, or have in  
3 possession any variety of fish, or frog, or turtle in excess  
4 of the possession limit, or have in possession any frog, or  
5 fish, or turtle at any time under the minimum length or  
6 weight. The open season, possession limit, daily catch limit,  
7 and the minimum length or weight for each variety of fish, or  
8 frog, or turtle shall be established by rule of the department  
9 or commission under the authority of sections 107.24, 109.38,  
10 and 109.39 and 109B.1.

11 Sec. 24. NEW SECTION. 109.68 FISH DESIGNATED.

12 The commission may adopt rules designating game fish, com-  
13 mercial fish, and rough fish.

14 Sec. 25. Section 109.72, Code 1987, is amended to read as  
15 follows:

16 109.72 HOOKS.

17 No A person shall not at any time take from the waters of  
18 the state any fish, except as otherwise provided in this  
19 chapter, except with hook, line, and bait, nor shall any a  
20 person use more than two lines nor more than two hooks on each  
21 line in still fishing or trolling, and in fly fishing not more  
22 than two flies may be used on one line, and in trolling and  
23 bait casting not more than two trolling spoons or artificial  
24 bait may be used on one line. However, on the Mississippi  
25 river and connected backwaters a person may use not more than  
26 five lines with not more than two hooks per line while fishing  
27 through the ice. No A person shall not leave such fish line  
28 or lines and hooks in the water unattended ~~or-take-or-attempt~~  
29 ~~to-take-any-fish-by-snagging-or-to-purposely-hook-them-in-any~~  
30 ~~other-part-than-in-the-mouth~~ by being out of visual sight of  
31 the lines and hooks. One hook ~~shall-mean~~ means a single,  
32 double, or treble pointed hook, and all hooks attached as a  
33 part of an artificial bait or lure shall be counted as one  
34 hook.

35 Sec. 26. Section 109.73, Code 1987, is amended to read as

1 follows:

2 109.73 TROTLINES AND TAGGED LINES.

3 ~~It shall be unlawful for any person to use in~~ In the waters  
4 of the state open to the their use, of a person shall not use  
5 more than five tagged lines set to take fish such as trotlines  
6 ~~or throw lines, more than five trotlines or throw lines.~~ Such  
7 ~~trotlines or throw~~ tagged lines shall not have in the  
8 aggregate more than fifteen hooks. Each separate line when in  
9 use shall have attached a tag plainly labeled with the owner's  
10 name and address, shall be checked at least once each twenty-  
11 four hours, and ~~no~~ a person shall not use such throw tagged  
12 ~~lines or trotlines~~ in any a stocked lake or within three  
13 hundred feet of any a dam or spillway or in any a stream or  
14 portion of stream, which is closed or posted against the use  
15 of such tackle. One end of such ~~throw lines or trotlines~~  
16 shall be set from the shore and be visible above the shore  
17 waterline, but no such ~~throw line or trotline~~ shall be set  
18 entirely across a stream or body of water. Any untagged or  
19 unlawful lines when found in use shall be confiscated by any  
20 officer appointed by the commission director.

21 Sec. 27. Section 109.76, Code 1987, is amended to read as  
22 follows:

23 109.76 UNLAWFUL MEANS -- EXCEPTION.

24 It ~~shall be~~ is unlawful, except as otherwise provided, to  
25 use on or in the waters of the state any grabhook, snaghook,  
26 any kind of a net, seine, trap, firearm, dynamite, or other  
27 explosives, or poisonous or stupefying substances, lime,  
28 ashes, or electricity in the taking or attempting to take any  
29 fish, except that gaffhooks or landing nets may be used to  
30 assist in landing fish. ~~No~~ A person shall not take or kill,  
31 or attempt to take or kill any fish by hand fishing. However,  
32 carp, buffalo, quillback, gar, sheepshead, dogfish, and other  
33 rough fish designated by the commission may be taken by hand  
34 fishing, by snagging, by spear, by bow and arrow, day or  
35 night, and with artificial light. The snagging of paddlefish

1 and other game fish may be permitted at such times and at such  
2 places as ~~may be~~ determined by rule rules of the commission.

3 Sec. 28. Section 109.82, Code 1987, is amended to read as  
4 follows:

5 109.82 PROHIBITED BAIT.

6 It ~~shall be~~ is unlawful to transport or to use or to sell  
7 or offer for bait or to ~~place~~ introduce into any inland waters  
8 of the state or into any waters from which waters of the state  
9 may become stocked any fish of carp, quillback, gar, or  
10 dogfish, and any minnows or fish of any of these species taken  
11 ~~shall not be returned to any such waters, but shall be~~  
12 destroyed. Fish of these species may be returned to the  
13 waters from which they were caught.

14 A person shall not possess live gizzard shad at any lake.

15 Sec. 29. NEW SECTION. 109.83 PROHIBITED STOCKING.

16 A person shall not stock or introduce into the waters of  
17 the state a live fish, except for hooked bait, without the  
18 permission of the director. This section does not apply to  
19 privately owned ponds and lakes.

20 Sec. 30. Section 109.87, Code 1987, is amended to read as  
21 follows:

22 109.87 OPEN SEASONS.

23 Except as otherwise provided, ~~no~~ a person shall not take,  
24 capture, kill, or have in possession any a fur-bearing animal  
25 or any ~~part thereof~~ of its parts at any time except during the  
26 open season as set by the commission ~~under authority of~~  
27 ~~section 109.39~~ except where such the killing, trapping, or  
28 ensnaring ~~may be~~ is for the protection of public or private  
29 property with the prior written permission of a duly appointed  
30 representative of the commission. All fur-bearing animals so  
31 taken shall be relinquished to a representative of the  
32 commission. Provided, it shall be lawful for any person to  
33 have in possession, sell, transport, or otherwise dispose of  
34 during such open season as herein provided, and for ten days  
35 thereafter, the carcass of, hide or skin of any animal named

1 ~~in-section-109.40:~~

2 ~~Taking-or-attempting-to-take-beaver-on-private-lands-or~~  
3 ~~waters-without-permission-of-the-owner-or-tenant-shall~~  
4 ~~constitute-a-simple-misdemeanor.~~

5 Sec. 31. Section 109.90, Code 1987, is amended to read as  
6 follows:

7 109.90 DISTURBING DENS.

8 ~~It-shall-be-unlawful-for-any~~ A person ~~to shall not~~ molest  
9 or disturb, in any manner, any muskrat den, lodge, or house,  
10 ~~beaver-dam, skunk, mink, or raccoon-den~~ of a fur-bearing  
11 animal or beaver dam except by written permission of any an  
12 officer appointed by the commission director.

13 ~~Provided-however, that-nothing-in-this~~ This section shall  
14 does not prohibit the owner thereof to destroy any-such a den  
15 to protect the owner's own property.

16 Sec. 32. Section 109.92, Code 1987, is amended to read as  
17 follows:

18 109.92 BOX TRAPS -- DISTURBING DENS -- TAGS FOR TRAPS.

19 Except as otherwise provided in this chapter ~~no~~ a person  
20 shall ~~at-any-time,~~ not use or attempt to use any colony traps  
21 in taking, capturing, trapping, or killing any game or fur-  
22 bearing animals. Box traps capable of capturing more than one  
23 game or fur-bearing animal at each setting are prohibited. A  
24 valid hunting license is required for box trapping cottontail  
25 rabbits and squirrels. All traps and snares used for the  
26 taking of fur-bearing animals shall have a metal tag attached  
27 plainly labeled with the ~~owner's~~ user's name and address. All  
28 traps and snares, except those which are placed entirely under  
29 water, shall be checked at least once every twenty-four hours.  
30 Officers appointed by the ~~commission-shall-have-authority-to~~  
31 department may confiscate such traps ~~when-and snares~~ found in  
32 use that are not properly labeled or checked.

33 ~~It-shall-be-unlawful-for-any-person, except~~ Except as  
34 otherwise provided, ~~to~~ a person shall not use any chemicals,  
35 explosives, smoking devices, mechanical ferrets, wire, tool,

1 instrument, or water to remove fur-bearing animals from their  
2 dens. Humane traps, or traps designed to kill instantly, with  
3 a jaw spread, as originally manufactured, exceeding eight  
4 inches ~~shall be~~ are unlawful to use except when placed  
5 entirely under water.

6 Conibear type traps and snares shall not be set on the  
7 right-of-way of a public road within one hundred yards of the  
8 entry to a private drive serving a residence without the  
9 permission of the occupant.

10 Sec. 33. Section 109.93, Code 1987, is amended to read as  
11 follows:

12 109.93 HUNTING BY ARTIFICIAL LIGHT.

13 ~~It shall be unlawful to~~ A person shall not throw or cast  
14 the rays of a spotlight, headlight, or other artificial light  
15 on any a highway, or in any a field, woodland, or forest for  
16 the purpose of spotting, locating, or taking or attempting to  
17 take or hunt any a bird or animal, except raccoons or other  
18 fur-bearing animals when treed with the aid of dogs, while  
19 having in possession or control, either singly or as one of a  
20 group of persons, any firearm, bow, or other implement or  
21 device whereby game a bird or animal could be killed or taken.

22 ~~Any person violating this section shall be guilty of a~~  
23 ~~simple misdemeanor.~~

24 Sec. 34. Section 109.98, Code 1987, is amended to read as  
25 follows:

26 109.98 REPORTING VIOLATIONS.

27 ~~It shall be the duty of each~~ Each fur dealer to shall  
28 report to the commission, the name of any person if known to  
29 such the dealer, who attempts to sell any skins or hides which  
30 appear to have been unlawfully taken, or possessed by said  
31 that person.

32 Sec. 35. Section 109.120, Code 1987, is amended to read as  
33 follows:

34 109.120 HUNTING FROM AIRCRAFT OR SNOWMOBILES PROHIBITED.

35 ~~It shall be unlawful for any~~ A person to, either singly or

1 as one of a group of persons, shall not intentionally kill or  
2 wound, attempt to kill or wound, or pursue any animal, fowl,  
3 or fish from or with an aircraft in flight or from or with any  
4 self-propelled vehicles designed for travel on snow or ice  
5 which utilize sled type runners, or skis, or an endless belt  
6 tread, or wheel or any combination thereof and which are  
7 commonly known as snowmobiles. ~~Any person who violates the~~  
8 ~~provisions of this section shall be guilty of a simple~~  
9 ~~misdemeanor.~~

10 Sec. 36. Section 109.122, Code 1987, is amended to read as  
11 follows:

12 109.122 DEER HUNTERS' ORANGE APPAREL.

13 ~~It shall be unlawful for any~~ A person to shall not hunt  
14 deer with firearms unless the person is at the time wearing  
15 one or more of the following articles of visible, external  
16 apparel: ~~Vest~~ A hat, cap, vest, coat, jacket, sweatshirt,  
17 sweater, shirt or coveralls, hat or cap, the color of which  
18 shall be solid blaze orange ~~and shall provide an iridescent~~  
19 effect.

20 Sec. 37. Section 109.123, Code 1987, is amended to read as  
21 follows:

22 109.123 PROHIBITED HUNTING NEAR BUILDINGS.

23 A person shall not ~~hunt~~ discharge a firearm at any game or  
24 fur-bearing animal within two hundred yards of any a building  
25 inhabited by people or domestic livestock unless the owner or  
26 tenant has given consent.

27 Sec. 38. Section 109.126, Code 1987, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 6. All transactions, tags, and specimens  
30 left in the custody of the taxidermist by another person shall  
31 be open to inspection by a conservation officer at any reason-  
32 able hour.

33 Sec. 39. Section 109.126, subsection 2, Code 1987, is  
34 amended to read as follows:

35 2. A license is required for the practice of taxidermy.

1 The commission, upon application and payment of the required  
2 license fee, shall furnish proper certificates to the  
3 applicant. The director may revoke the license for good  
4 cause.

5 Sec. 40. Section 109.130, Code 1987, is amended to read as  
6 follows:

7 109.130 DAMAGES IN ADDITION TO PENALTY.

8 In addition to the penalties for violations of this chapter  
9 and chapters 109A, 109B, 111, and 111A, any a person convicted  
10 of unlawfully selling, taking, catching, killing, injuring,  
11 destroying, or having in possession any fish, game, or fur-  
12 bearing animal, shall reimburse the state for the value of  
13 such as follows:

14 1. For each deer, elk, antelope, buffalo or moose, seven  
15 hundred-fifty one thousand dollars.

16 2. For each wild turkey, two hundred dollars.

17 3. For each game bird, fur-bearing animal or game animal  
18 or the raw pelt or plumage of such game bird or animal for  
19 which damages are not otherwise prescribed, twenty-five-to  
20 fifty dollars.

21 4. For each fish, five reptile, mussel, or amphibian,  
22 fifteen dollars.

23 5. For each beaver, mink, otter, red fox, gray fox, or  
24 raccoon, one hundred dollars.

25 6. For each animal classified by the commission as an  
26 endangered or threatened species, one thousand dollars.

27 Sec. 41. Section 110A.3, unnumbered paragraph 2, Code  
28 1987, is amended to read as follows:

29 Pen-reared game birds, as defined in section ~~109-41~~ 109.1,  
30 released on licensed area may be taken during the shooting  
31 season provided in this chapter but not to exceed eighty  
32 percent of the total number of the species of said game birds  
33 released. Pen-reared waterfowl, two generations removed from  
34 the wild and chukar partridge may be released at any time of  
35 year for shooting purposes and one hundred percent may be

1 harvested by shooting. The word "waterfowl" shall be defined  
2 as those birds constituting the Anatidae as listed in section  
3 ~~109.41~~ 109.1. All birds so released shall be at least twelve  
4 weeks of age before liberation date. A minimum of one hundred  
5 pen-reared birds of each species to be shot shall be released  
6 during the open season. Experimental releases of less than  
7 one hundred birds of each species shall require a special  
8 permit from the commission department.

9 Sec. 42. Sections 109.40, 109.41, and 109.43 through  
10 109.46, Code 1987, are repealed.

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HOUSE FILE 395

S-3515

1 Amend House File 395 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 3, line 31, by striking the words "C.B.  
4 OR".

5 2. Page 4, line 1, by striking the words "from  
6 January 1 through March 31" and inserting the words  
7 "during the closed season for fox or deer".

8 3. Page 4, lines 16 and 17, by striking the words  
9 "and shall be assessed a minimum fine of ten dollars  
10 for each offense".

11 4. Page 5, line 19, by inserting after the word  
12 "birds," the words "subject to section 109.48,".

13 5. Page 12, line 32, by striking the word  
14 "leptosirosis" and inserting the word "leptospirosis".

15 6. Page 14, line 7, by inserting after the word  
16 "A" the word "wildlife".

17 7. Page 15, by striking lines 24 through 27 and  
18 inserting the following: "bait may be used on one  
19 line. No A person shall not leave such fish line".

20 8. Page 19, lines 8 and 9, by striking the words  
21 "without the permission of the occupant".

22 9. Page 19, by inserting after line 9 the  
23 following:

24 "A snare shall not be set with a circumference  
25 greater than thirty-eight inches unless at least half  
26 of the loop is set underwater."

27 10. Page 21, lines 12 and 13, by striking the  
28 words "for the value of such as follows" and inserting  
29 the following: "for-the-value-of-such-as-follows for  
30 its value as established by rule which shall not  
31 exceed the following amounts for the respective  
32 animals".

33 11. Page 21, by inserting after line 26 the  
34 following:

35 "Sec. 41. Section 110.24, Code 1987, is amended by  
36 adding the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. A license is not  
38 required of the owner or the owner's guests, invitees  
39 or licensees to fish in the owner's private waters  
40 unless those waters are open to the public under  
41 section 109.78."

S-3515

Filed April 10, 1987

A - Adopted, B Placed *o/c* 4/15/87 (p. 1325)  
*Motion to recommit A - Lost 4/21 (p. 1438)*

BY COMMITTEE ON NATURAL RESOURCES  
HURLEY W. HALL, Chairperson

HOUSE FILE 395

S-3302

- 1 Amend House File 395 as amended, passed, and reprinted
- 2 by the House as follows:
- 3 1. Page 19, lines 7 through 9 by striking the words
- 4 "within one hundred yards of the entry to a private drive
- 5 servng a residence without the permission of the occupant".

S-3302

Filed March 26, 1987

BY RAY TAYLOR

*Adopted 4/15/87 (p 1325)*

HOUSE FILE 395

S-3606

- 1 Amend House File 395 as amended, passed, and reprinted
- 2 by the House as follows:
- 3 1. Page 19, lines 7 and 8 by striking the words "within
- 4 one hundred yards of the entry to a private drive serving a
- 5 residence".

S-3606

Filed April 15, 1987

BY RAY TAYLOR

RULED OUT OF ORDER (*p 1325*)

HOUSE FILE 395

S-3608

- 1 Amend House File 395 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, by striking line 29 through page 4,
- 4 line 1.

S-3608

Filed April 15, 1987

BY EUGENE S. FRAISE

RULED OUT OF ORDER (*p 1325*)

SENATE 3  
April 20, 1987

HOUSE FILE 395

S-3649

1 Amend House File 395 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 21, by inserting after line 26 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 110.24, Code 1987, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. The department may issue  
8 a permit, subject to conditions established by the  
9 department, which authorizes the patients of a  
10 substance abuse facility to fish without a license as  
11 a supervised group."

S-3649

Filed April 16, 1987  
*Adopted 4/21/87 (p. 1436)*

BY HURLEY W. HALL  
DALE L. TIEDEN  
CHARLES P. MILLER

HOUSE FILE 395

S-3683

1 Amend House File 395 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 20, by inserting after line 26 the  
4 following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 109.124 PROHIBITION OF  
6 REGULATION BY POLITICAL SUBDIVISIONS.  
7 A political subdivision of the state shall not  
8 enact an ordinance regulating the ownership,  
9 possession, legal transfer, lawful transportation,  
10 registration, or licensing of firearms when the  
11 ownership, possession, transfer, or transportation is  
12 otherwise lawful under the laws of this state. An  
13 ordinance existing on or after the effective date of  
14 this section is void."

S-3683

Filed April 16, 1987  
*Referred not germane 4/26 (p. 1397)*

BY HURLEY W. HALL

## SENATE AMENDMENT TO HOUSE FILE 395

H-3901

- 1 Amend House File 395 as amended, passed and  
 2 reprinted by the House as follows:
- 3 1. Page 3, line 31, by striking the words "C.B.  
 4 OR".
- 5 2. Page 4, line 1, by striking the words "from  
 6 January 1 through March 31" and inserting the words  
 7 "during the closed season for fox or deer".
- 8 3. Page 4, lines 16 and 17, by striking the words  
 9 "and shall be assessed a minimum fine of ten dollars  
 10 for each offense".
- 11 4. Page 5, line 19, by inserting after the word  
 12 "birds," the words "subject to section 109.48,".
- 13 5. Page 12, line 32, by striking the word  
 14 "leptosirosis" and inserting the word "leptospirosis".
- 15 6. Page 14, line 7, by inserting after the word  
 16 "A" the word "wildlife".
- 17 7. Page 15, by striking lines 24 through 27 and  
 18 inserting the following: "bait may be used on one  
 19 line. No A person shall not leave such fish line".
- 20 8. Page 19, lines 7 through 9, by striking the  
 21 words "within one hundred yards of the entry to a  
 22 private drive serving a residence without the  
 23 permission of the occupant".
- 24 9. Page 19, by inserting after line 9 the  
 25 following:  
 26 "A snare shall not be set with a circumference  
 27 greater than thirty-eight inches unless at least half  
 28 of the loop is set underwater."
- 29 10. Page 21, lines 12 and 13, by striking the  
 30 words "for the value of such as follows" and inserting  
 31 the following: "for-the-value-of-such-as-follows for  
 32 its value as established by rule which shall not  
 33 exceed the following amounts for the respective  
 34 animals".
- 35 11. Page 21, by inserting after line 26 the  
 36 following:  
 37 "Sec. 41. Section 110.24, Code 1987, is amended by  
 38 adding the following new unnumbered paragraph:  
 39 NEW UNNUMBERED PARAGRAPH. A license is not  
 40 required of the owner or the owner's guests, invitees  
 41 or licensees to fish in the owner's private waters  
 42 unless those waters are open to the public under  
 43 section 109.78."
- 44 12. Page 21, by inserting after line 26 the  
 45 following:  
 46 "Sec. \_\_\_\_\_. Section 110.24, Code 1987, is amended  
 47 by adding the following new unnumbered paragraph:  
 48 NEW UNNUMBERED PARAGRAPH. The department may issue  
 49 a permit, subject to conditions established by the  
 50 department, which authorizes the patients of a

Page Two

- 1 substance abuse facility to fish without a license as  
 2 a supervised group."  
 3 13. By renumbering, relettering, or redesignating  
 4 and correcting internal references as necessary.

H-3901 FILED APRIL 22, 1987 RECEIVED FROM THE SENATE

*...one reference to section 4/27/87 (p. 1677)*

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 395

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 395, a bill for An Act relating to the taking of animals and subjecting violators to penalties, respectfully make the following report:

1. Amend the Senate amendment, H-3901, to House File 395 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 2 the following:

"\_\_\_. Page 3, by inserting after line 16 the following:

"Sec. \_\_\_. NEW SECTION. 109.18 POLITICAL SUBDIVISION REGULATION.

1. A political subdivision of this state shall not adopt an ordinance or other manner of law regarding the taking of animals, open seasons, closed seasons, possession limits, bag limits, and methods of taking which is inconsistent with the provisions of this chapter and the rules adopted under it.

2. A political subdivision of this state shall not adopt or enforce an ordinance regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, or transportation is otherwise lawful under the laws of this state.""

2. Page 1, by striking lines 20 through 23.

3. Page 2, by inserting after line 2 the following:

"\_\_\_. Page 21, by inserting after line 26 the following:

"Sec. \_\_\_. Section 110.37, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person shall not transport or carry on one's person a loaded or uncased high-power, centerfire cartridge rifle in an area of the state open to deer hunting during the shotgun hunting season for deer except as authorized by rule by the commission. This paragraph does

Page Two, Conference Committee Report, House File 395  
not apply to any law enforcement or military personnel, and  
veterans military service groups in performance of duty, color  
guard units, and gun club firing ranges. The commission shall  
establish by rule methods of movement for repairs or other  
uses.

Sec. \_\_\_\_ . NEW SECTION. 110.38 LIGHTING BY LAW  
ENFORCEMENT VEHICLES OF CONSERVATION OFFICERS.

The required usage of lighting devices set out in sections  
321.384 through 321.409 and section 321.415 does not apply to  
official law enforcement vehicles operated by conservation  
officers appointed under section 107.13, while these vehicles  
are being used in criminal investigations or while attempting  
to apprehend suspected criminals."

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

DENNIS BLACK, CHAIR  
MARVIN E. DIEMER  
WENDELL C. PELLETT  
DAVID SCHRADER

HURLEY W. HALL, CHAIR  
RAY TAYLOR  
DALE TIEDEN

FILED MAY 9, 1987

*House passed to envelope 5/22 (9/10/87)*

REPORT OF THE SECOND CONFERENCE COMMITTEE  
ON HOUSE FILE 395

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

We, the undersigned members of the conference committee  
appointed to resolve the differences between the House of  
Representatives and the Senate on House File 395, a bill for  
An Act relating to the taking of animals and subjecting  
violators to penalties, respectfully make the following  
report:

1. That the Senate recedes from its amendment, H-3901.
2. Amend House File 395, as amended, passed, and reprinted  
by the House, as follows:
  1. Page 3, line 31, by striking the words "C.B. OR".
  2. Page 4, by inserting after line 17 the following:  
"Sec. \_\_\_\_ . Section 109.32, Code 1987, is amended by adding  
the following new unnumbered paragraph:

FILED APR 15 '88

"NEW UNNUMBERED PARAGRAPH. A person convicted of taking a deer, antelope, moose, buffalo, or elk with a prohibited weapon as defined by rules of the department, is subject to a fine of one hundred dollars for each offense committed while taking the animal with the prohibited weapon."

3. Page 5, line 19, by inserting after the word "birds" the following: "subject to section 109.48".

4. Page 12, line 32, by striking the word "leptosirosis" and inserting the following: "leptospirosis".

5. Page 14, line 7, by inserting after the word "A" the following: "wildlife".

6. Page 15, by striking lines 24 through 27 and inserting the following: "bait may be used on one line. No A person shall not leave such fish line".

7. Page 19, line 7, by striking the word "one" and inserting the following: "two".

8. Page 19, by inserting after line 9 the following:

"A snare when set shall not have a loop larger than eight inches in horizontal measurement except for a snare set with at least one-half of the loop underwater. A snare set on private land other than roadsides within thirty yards of a pond, lake, creek, drainage ditch, stream, or river shall not have a loop larger than eleven inches in horizontal measurement.

All snares shall have a functional deer lock which will not allow the snare loop to close smaller than two and one-half inches in diameter."

9. Page 20, line 16, by striking the words "hat, cap,".

10. Page 21, line 14, by striking the word "deer," and inserting the following: "deer".

11. Page 21, line 24, by striking the word "one" and inserting the following: "one two".

12. Page 21, by inserting after line 26 the following:

"7. For each deer, seven hundred fifty dollars."

13. Page 21, by inserting after line 26 the following:

"Sec. \_\_\_\_ . Section 110.24, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A lessee of a camping space at a campground may fish on a private lake or pond on the premises of the campground without a license if the lease confers an exclusive right to fish in common with the rights of the owner and other lessees.

NEW UNNUMBERED PARAGRAPH. The department may issue a permit, subject to conditions established by the department, which authorizes the patients of a substance abuse facility to fish without a license as a supervised group.

Sec. \_\_\_\_ . NEW SECTION. 110.38 LIGHTING BY LAW ENFORCEMENT VEHICLES OF CONSERVATION OFFICER.

The required usage of lighting devices set out in sections 321.384 through 321.409 and section 321.415 does not apply to official law enforcement vehicles operated by conservation officers appointed under section 107.13, while these vehicles are being used in criminal investigations or while attempting to apprehend suspected criminals."

14. Page 22, by inserting after line 8 the following:

"Sec. \_\_\_\_ . Section 111A.6, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Upon request of the county conservation board, the board of supervisors shall establish a reserve for county conservation land acquisition and capital improvement projects. The board of supervisors may periodically credit an amount of money to the reserve. Moneys credited to the reserve shall remain in the reserve until expended for such the projects upon warrants requisitioned by the county conservation board. The interest earned on moneys received from bequests and donations in the reserve account which are invested pursuant to section 453.1 shall be credited to the reserve account.

Sec. \_\_\_\_ . Section 111C.2, subsection 3, Code 1987, is

amended to read as follows:

3. "Recreational purpose" means the following or any combination thereof: Hunting, trapping, horseback riding, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycling, nature study, water skiing, snowmobiling, other summer and winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites while going to and from or actually engaged therein."

ON THE PART OF THE HOUSE:

PAUL W. JOHNSON, CHAIR  
DENNIS H. BLACK  
MARVIN E. DIEMER  
JOSEPHINE GRUHN  
VICTOR STUELAND

FILED APRIL 15, 1988  
ADOPTED (p. 2024)

ON THE PART OF THE SENATE:

EMIL J. HUSAK, CHAIR  
JACK HESTER  
ALVIN V. MILLER  
WILMER RENSINK  
KENNETH D. SCOTT

*Senate adopted 4/16 (by 17-0)*

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PREFILED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the taking of animals.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUB COMMITTEE ASSIGNMENTS

CHAIR: *Black*  
COMMITTEE: *Natural Resources*  
*2-11-87*

1 Section 1. Section 109.1, Code 1987, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 16. "Bird" means a member of the class  
4 Aves.

5 NEW SUBSECTION. 17. "Fish" means a member of the class  
6 Pisces.

7 NEW SUBSECTION. 18. "Frog" means a member of the order  
8 Anura.

9 NEW SUBSECTION. 19. "Amphibian" means a member of the  
10 class Amphibia.

11 NEW SUBSECTION. 20. "Reptile" means a member of the class  
12 Reptilia.

13 NEW SUBSECTION. 21. "Mussels" means the pearly fresh  
14 water mussels, clams or naiads, and their shells.

15 NEW SUBSECTION. 22. "Fur-bearing animals" means the  
16 following which are declared to be fur-bearing animals for the  
17 purpose of regulation and protection under the Code: beaver,  
18 badger, mink, otter, muskrat, raccoon, skunk, opossum,  
19 spotted skunk or civet cat, weasel, coyote, bobcat, wolf,  
20 groundhog, red fox, and gray fox. This chapter does not apply  
21 to domesticated fur-bearing animals.

22 NEW SUBSECTION. 23. "Game" means all of the animals  
23 specified in this subsection except those designated as not  
24 protected, and includes the heads, skins, and any other parts,  
25 and the nests and eggs of birds and their plumage.

26 a. The Anatidae: such as swans, geese, brant, and ducks.

27 b. The Rallidae: such as rails, coots, mudhens, and  
28 gallinules.

29 c. The Limicolae: such as shore birds, plovers, surf  
30 birds, snipe, woodcock, sandpipers, tattlers, godwits, and  
31 curlews.

32 d. The Gallinae: such as wild turkeys, grouse, pheasants,  
33 partridges, and quail.

34 e. The Columbidae: such as mourning doves and wild rock  
35 doves only.

1 f. The Sciuridae: such as gray squirrels, fox squirrels.

2 g. The Leporidae: cottontail rabbits and jack rabbits  
3 only.

4 h. The Cervidae: such as deer and elk.

5 NEW SUBSECTION. 24. "Spawn" means any of the eggs of any  
6 fish, amphibian, or mussel.

7 NEW SUBSECTION. 25. "Turtle" means any member of the  
8 order Testudines.

9 NEW SUBSECTION. 26. "Biological balance" means that  
10 condition when the number of animals present over the long  
11 term is at or near the number of animals of a particular  
12 species that the available habitat is capable of supporting.

13 Sec. 2. Section 109.1, subsections 8 and 14, Code 1987,  
14 are amended to read as follows:

15 8. "Take" or "taking" or "attempting to take" or "hunt" is  
16 any pursuing, or any hunting, fishing, killing, trapping,  
17 snaring, netting, searching for or shooting at, stalking or  
18 lying in wait for any game, animal, bird, or fish protected by  
19 the state laws or regulations rules adopted by the commission  
20 whether or not such game animal be then subsequently captured,  
21 killed, or injured.

22 14. "Wild mammal" means a ~~mammal-and-family-of-mammal~~  
23 ~~listed-in-sections-109-40-and-109-41~~ member of the class  
24 Mammalia.

25 Sec. 3. Section 109.12, Code 1987, is amended to read as  
26 follows:

27 109.12 SEIZURE OF UNLAWFUL GAME.

28 ~~It-shall-be-the-duty-of-the~~ The director or any peace  
29 officer to shall seize with or without warrant and take  
30 possession of any fish, furs, birds, or animals, or mussels,  
31 clams, and or frogs, ~~except-for-bait~~ which have been caught,  
32 taken, or killed at a time, in a manner, or for a purpose, or  
33 had in possession or under control, or offered for shipment,  
34 or illegally transported in the state or to a point beyond the  
35 its borders thereof, contrary to the ~~provisions-of-this~~

1 chapter Code.

2 Sec. 4. Section 109.13, Code 1987, is amended to read as  
3 follows:

4 109.13 SEARCH WARRANTS.

5 Any court having jurisdiction of the offense, upon  
6 receiving proof of probable cause for believing that any fish,  
7 mussels, clams, frogs, birds, furs, or animals caught, taken,  
8 killed, had in possession, under control, or shipped, contrary  
9 to ~~any-of-the-provisions-of-this-chapter~~ the Code, or hidden  
10 or concealed in any place, shall issue a search warrant and  
11 cause a search to be made in any place therefor. The property  
12 so seized under ~~such~~ warrant shall be safely kept under the  
13 direction of the court so long as necessary for the purpose of  
14 being used as evidence in any trial, and if ~~such~~ a trial  
15 results in a conviction the property seized shall be  
16 confiscated by the director or the director's officers.

17 Sec. 5. Section 109.19, Code 1987, is amended by adding  
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. Licenses or tags for commercial  
20 fishing gear, certificates for commercial fishing gear  
21 operators, licenses for bait dealers, or licenses for fishing,  
22 hunting, mussel taking, or trapping shall not be issued to  
23 residents of states which do not grant similar privileges to  
24 residents of Iowa. However, the licensing of out-of-state  
25 bait dealers who sell at wholesale to licensed dealers in Iowa  
26 for resale is permitted.

27 Sec. 6. Section 109.21, Code 1987, is amended to read as  
28 follows:

29 109.21 BIRDS AS TARGETS.

30 No A person shall not keep or use any live pigeon or other  
31 bird as a target, to be shot at for amusement or as a test of  
32 skill in marksmanship, or shoot at a bird kept or used for  
33 such purpose, or be a party to such shooting, or lease any  
34 building, room, field, or premises, or knowingly permit the  
35 use thereof, for the purpose of such shooting. ~~Nothing-in~~

1 ~~this~~ This section ~~shall~~ does not prevent any person from  
2 shooting at live pigeons, sparrows, ~~erows~~ and starlings when  
3 used in the training of hunting dogs.

4 Sec. 7. Section 109.24, Code 1987, is amended to read as  
5 follows:

6 109.24. USE OF C.B. OR MOBILE TRANSMITTER PROHIBITED.

7 A person who is hunting shall not use a mobile radio  
8 transmitter to communicate the location or direction of game  
9 or fur-bearing animals or to co-ordinate the movement of other  
10 hunters.

11 Sec. 8. Section 109.32, unnumbered paragraph 1, Code 1987,  
12 is amended to read as follows:

13 Whoever shall take, catch, kill, injure, destroy, have in  
14 possession, buy, sell, ship, or transport any frogs, fish,  
15 mussels, birds, their nests, eggs, or plumage, fowls, game, or  
16 animals or their fur or raw pelt in violation of the  
17 provisions of this chapter or of administrative rules of the  
18 commission or whoever shall use any device, equipment, seine,  
19 trap, net, tackle, firearm, drug, poison, explosive, or other  
20 substance or means, the use of which is prohibited by this  
21 chapter, or use the same at a time, place, or in a manner or  
22 for a purpose prohibited, or do any other act in violation of  
23 the provisions of this chapter or of administrative rules of  
24 the commission for which no other punishment is provided,  
25 ~~shall-be~~ is guilty of a simple misdemeanor and shall be  
26 assessed a minimum fine of ten dollars for each offense.

27 Sec. 9. Section 109.34, Code 1987, is amended to read as  
28 follows:

29 109.34 VIOLATIONS BY COMMON CARRIER.

30 Any A common carrier which ~~shall-violate~~ violates any of  
31 the provisions of this chapter relating to receiving, having  
32 in possession, shipping, or delivering any fish, fowls, birds,  
33 birds' nests, eggs, or plumage, fur, raw pelts, game, or  
34 animals, in violation of the provisions of this-chapter the  
35 Code or contrary to the regulations and restrictions therein

1 provided in this chapter, and any agent, employee, or servant  
2 of ~~such-corporation~~ a common carrier violating such  
3 provisions, ~~shall-be~~ is guilty of a simple misdemeanor.

4 Sec. 10. Section 109.37, subsection 1, Code 1987, is  
5 amended by striking the subsection.

6 Sec. 11. Section 109.37, subsection 4, Code 1987, is  
7 amended to read as follows:

8 4. Have in possession any implements, devices, equipment,  
9 or means whatever of taking fish, birds, or animals protected  
10 by ~~this-chapter~~ the Code at any place where the possession or  
11 use thereof is prohibited.

12 Sec. 12. Section 109.38, unnumbered paragraph 1, and  
13 subsections 1 and 2, Code 1987, are amended to read as  
14 follows:

15 It ~~shall-be~~ is unlawful for any a person to take, pursue,  
16 kill, trap or ensnare, buy, sell, possess, transport, or  
17 attempt to so take, pursue, kill, trap or ensnare, buy, sell,  
18 possess, or transport any game, protected nongame birds  
19 animals, fur-bearing animals or fur or skin of such animals,  
20 mussels, frogs, spawn or fish or any part thereof, except upon  
21 the terms, conditions, limitations, and restrictions set forth  
22 herein, and administrative ~~orders~~ rules necessary to carry out  
23 the purposes set out in section 109.39, or as provided by the  
24 Code.

25 1. The commission may upon its own motion and after an  
26 investigation, alter, limit, or restrict the methods or means  
27 employed and the instruments or equipment used in taking wild  
28 mammals, ~~wild-turkey,-pheasant,-quail~~ birds, fish, reptiles,  
29 and amphibians, if the investigation reveals that the action  
30 would be desirable or beneficial in promoting the interests of  
31 conservation, or the commission may, after an investigation  
32 when it is found there is imminent danger of loss of fish  
33 through natural causes, authorize the taking of fish by means  
34 found advisable to salvage imperiled fish populations.

35 2. ~~If-following-an-investigation-the-commission-finds-that~~

1 the-number-of-hunters-licensed-to-take-deer-or-wild-turkey  
2 should-be-limited,-further-regulated,-or-expanded,-the  
3 commission-shall-conduct-a-drawing-to-determine-which  
4 applicants-receive-a-license.--If-further-deer-depopulation-is  
5 warranted-in-localized-areas,-the-commission-shall-consider  
6 additional-hunting-days-and-additional-any-sex-deer-licenses  
7 shall-be-issued-for-those-areas.--Applications-for-licenses  
8 shall-be-received-and-accepted-during-a-forty-five-day-period  
9 established-by-the-commission.--At-the-end-of-the-period-the  
10 drawing-shall-be-conducted.--If-the-quota-has-not-been-filled,  
11 licenses-shall-be-issued-in-the-order-in-which-applications  
12 are-received-and-shall-continue-to-be-issued-until-the-quota  
13 has-been-met-or-until-a-date-fifteen-days-prior-to-the-opening  
14 day-of-the-season,-whichever-first-occurs: If the commission  
15 finds that the number of hunters licensed or the type of  
16 license issued to take deer or wild turkey should be limited  
17 or further regulated the commission shall conduct a drawing to  
18 determine which applicants shall receive a license and the  
19 type of license. Applications for licenses shall be received  
20 during a period established by the commission. At the end of  
21 the period a drawing shall be conducted. The commission may  
22 establish rules to issue licenses after the established  
23 application period. If an applicant receives a deer license  
24 which is more restrictive than licenses issued to others for  
25 the same period and place, the applicant shall receive a  
26 certificate with the license entitling the applicant to  
27 priority in the drawing for the less restrictive deer licenses  
28 the following year. The certificate must accompany that  
29 person's application the following year, or the applicant will  
30 not receive this priority. Persons purchasing a deer license  
31 for the gun season under this section and under section 110.1  
32 are not eligible for a gun deer-hunting license under section  
33 110.24. This subsection does not apply to the hunting of  
34 wild turkey on game breeding and shooting preserves licensed  
35 under chapter 110A.

1 Sec. 13. Section 109.39, Code 1987, is amended to read as  
2 follows:

3 109.39 BIOLOGICAL BALANCE MAINTAINED.

4 ~~The open seasons, closed seasons, bag limits, size limits,~~  
5 ~~catch limits, possession limits and territorial limitations~~  
6 ~~set forth herein pertaining to fish, game and various species~~  
7 ~~of wildlife are based upon a proper biological balance as~~  
8 ~~hereinafter defined being maintained for each species or kind.~~  
9 ~~The seasons, catch limits, bag limits, size limits, possession~~  
10 ~~limits and territorial limitations set forth herein shall~~  
11 ~~prevail and be in force and effect for each and every species~~  
12 ~~of wildlife to which they pertain as long as the biological~~  
13 ~~balance for each species or kind remain such as to assure the~~  
14 ~~maintenance of an adequate supply of such species. The~~  
15 ~~commission is designated the sole agency to determine the~~  
16 ~~facts as to whether such biological balance does or does not~~  
17 ~~exist. If the commission, after investigation finds that the~~  
18 ~~number or the number and sex of each or any species or kind of~~  
19 ~~wildlife is at variance to aforesaid condition, the The~~  
20 ~~commission shall, by administrative rule, extend, shorten,~~  
21 ~~open, or close seasons and set, increase, or reduce catch~~  
22 ~~limits, bag limits, size limits, possession limits, or~~  
23 ~~territorial limitations or further regulate taking conditions~~  
24 ~~in accordance with said findings sound fish and wildlife~~  
25 ~~management principles. For the purpose of this section~~  
26 ~~biological balance is defined as that condition when all~~  
27 ~~losses to population are compensated by natural reproductive~~  
28 ~~activity or artificial replenishment, replacement or stocking.~~  
29 ~~If the commission finds that the biological balance of deer~~  
30 ~~cannot be maintained on land owned by the federal government~~  
31 ~~because of hunting prohibitions on weekdays, the commission~~  
32 ~~may extend the open season for deer hunting within such areas~~  
33 ~~for one or more weekends beyond the regular season as~~  
34 ~~established by the commission. --The total number of days of~~  
35 ~~deer hunting permitted in areas owned by the federal~~

1 ~~government shall not exceed the total number of days~~  
2 ~~authorized for deer hunting in the state, or that part of the~~  
3 ~~state in which the federal owned land is located, as~~  
4 ~~established by the commission.~~

5 Sec. 14. Section 109.52, Code 1987, is amended to read as  
6 follows:

7 109.52 EXHIBITING CATCH TO OFFICER.

8 Any A person who ~~shall have~~ has in possession any game bird  
9 or game animal, fish or fur or part thereof shall upon request  
10 of the director or any officer appointed by the ~~commission~~  
11 department exhibit ~~the same~~ it to the director or officer, and  
12 a refusal to do so ~~shall constitute~~ is a violation of this  
13 chapter the Code.

14 Sec. 15. Section 109.53, Code 1987, is amended to read as  
15 follows:

16 109.53 CHASING FROM DENS.

17 It ~~shall be~~ is unlawful to have in possession while hunting  
18 or to use while hunting any ferret or ~~mechanical~~ any device or  
19 any substance to be used for chasing animals from their dens.

20 Sec. 16. Section 109.55, Code 1987, is amended to read as  
21 follows:

22 109.55 SELLING GAME.

23 Except as otherwise provided, ~~it shall be unlawful for any~~  
24 a person to shall not buy or sell, dead or alive, any a bird  
25 or animal or any part thereof of one which is protected by  
26 this chapter, but ~~nothing in this section shall~~ does not apply  
27 to fur-bearing animals, rabbits, and the skins, and plumage,  
28 and antlers of legally taken game. ~~Beer hides shall be~~  
29 ~~plainly labeled with the owner's name and address and license~~  
30 ~~number prior to the sale. This name and address and license~~  
31 ~~number must remain attached to the hide while such hide is~~  
32 ~~within the boundaries of this state. This section does not~~  
33 prohibit the purchase of jack rabbits from sources outside  
34 this state. No A person shall not purchase, sell, barter, or  
35 offer to purchase, sell, or barter for millinery or ornamental

1 use the feathers of migratory game birds; and no a person  
2 shall not purchase, sell, barter, or offer to purchase, sell,  
3 or barter mounted specimens of migratory game birds.

4 Sec. 17. Section 109.56, subsection 1, Code 1987, is  
5 amended to read as follows:

6 1. ~~Except during the open gun season for hunting deer at~~  
7 ~~which time no training of dogs is allowed,~~ any A person having  
8 a valid hunting license may train a bird dog on any game birds  
9 and a person having a valid fur harvester license may train a  
10 coon hound, fox hound, or trailing dog on any fur-bearing  
11 animals at any time of the year including during the closed  
12 season on such birds or animals, ~~provided.~~ However, the  
13 animals when pursued to a tree or den shall not be further  
14 chased or removed in any manner from the tree or den. A  
15 person having a hunting license may train a dog on coyote or  
16 groundhog.

17 Only a pistol, revolver, or other gun shooting blank  
18 cartridges shall be used while training dogs during closed  
19 season except as provided in subsection 2 of this section.

20 Sec. 18. Section 109.57, Code 1987, is amended to read as  
21 follows:

22 109.57 POSSESSION AND STORAGE.

23 Any A person having lawful possession of game or fur-  
24 bearing animals or their pelts may hold same them for not to  
25 exceed ten thirty days after the close of the open season for  
26 such game or fur-bearers. A permit to hold such-game for a  
27 longer period may be granted by the commission department.

28 Sec. 19. Section 109.60, Code 1987, is amended by striking  
29 the section and inserting in lieu thereof the following:

30 109.60 RAISING GAME -- RULEMAKING AUTHORITY.

31 A person shall not raise or sell game or fur-bearing  
32 animals of the kinds protected by this chapter without first  
33 procuring a game breeder's license as provided by law. The  
34 commission may adopt rules which ensure that all game birds,  
35 game animals, and fur-bearing animals handled and confined by

1 licensed game breeders are provided with humane care and  
2 treatment. A violation of a rule adopted by the commission is  
3 a cause for license revocation. This section does not apply  
4 to governmental zoos and exhibits.

5 Sec. 20. Section 109.61, Code 1987, is amended by striking  
6 the section and inserting in lieu thereof the following:

7 109.61 LICENSED GAME BREEDERS -- MARKETING GAME --  
8 PENALTY.

9 1. Except as otherwise provided by law, a licensed game  
10 breeder whose original stock is obtained from a lawful source  
11 may possess any game bird, game animal, or fur-bearing animal,  
12 or any of their parts. Possession and use of the game birds,  
13 game animals, or fur-bearing animals obtained from a licensed  
14 game breeder are lawful.

15 2. Fur-bearing animals shall not be acquired for breeding  
16 or propagating purposes from any source unless they have been  
17 pen-raised for at least two successive generations.

18 3. A game breeder's license is not a license to possess,  
19 breed, propagate, sell, or dispose of any species which is  
20 defined as endangered or threatened under state law unless the  
21 species is listed on the license. Its possession, breeding,  
22 propagation, sale, and disposal are subject to all applicable  
23 state and federal statutes.

24 4. A licensed game breeder shall not acquire protected  
25 live game animals, game birds, their eggs, or fur-bearing  
26 animals taken from the wild within this state.

27 5. Game birds or game animals may be sold for food only  
28 under the following conditions:

29 a. The licensed game breeder shall file with the  
30 commission a facsimile of a stamp of similar type to that used  
31 by the United States department of agriculture in grading  
32 meat.

33 b. Licensed game breeders may sell dressed game birds or  
34 game animals to markets for resale providing each game bird or  
35 game animal has affixed upon it in a conspicuous and legible

1 manner the imprint of the game breeder's stamp.

2 c. The stamp shall bear the name and number of the game  
3 breeder in letters of at least twelve-point type size.

4 6. Markets selling stamped game shall:

5 a. Maintain the stamp on each game bird or game animal  
6 until the bird or animal is disposed of or sold.

7 b. Keep a record showing the total number of game birds or  
8 game animals sold together with the name and address of the  
9 game breeder from whom purchased and the number of game birds  
10 and animals in each purchase.

11 7. Markets selling stamped game, together with their  
12 records, are subject to inspection by an authorized  
13 representative of the commission at any reasonable time.

14 8. Violation of a provision of this section may be cause  
15 for license revocation.

16 Sec. 21. Section 109.62, Code 1987, is amended by striking  
17 the section and inserting in lieu thereof the following:

18 109.62 RECORDS -- REPORTS -- INSPECTION.

19 1. A holder of a game breeder's license shall keep the  
20 records and make the reports required by this section on forms  
21 provided by the department. The records shall be open for  
22 inspection at any reasonable time by the department or its  
23 authorized agents.

24 2. At the time of every sale or conveyance of an animal,  
25 animal parts, or products, the licensee shall complete a game  
26 breeder's sales receipt on forms provided by the department.  
27 The forms shall require the following information:

28 a. The name, address, county, and license number assigned  
29 to the breeder.

30 b. The name and address of the purchaser.

31 c. The number, species, sex, and age of the animals or  
32 birds conveyed.

33 3. Licensees shall maintain business records for all  
34 species in an annual report record book. The records shall  
35 include the following information:

1 a. For each animal acquired other than by birth on the li-  
2 censee's game farm, the sex and species, the date of  
3 acquisition, the number acquired, and the name and address of  
4 the source from which acquired.

5 b. For each animal born on the licensee's game farm, the  
6 sex, species, date of birth, and number of any band, tag, or  
7 tattoo subsequently attached to the animal.

8 c. For each animal sold or disposed of other than by death  
9 the same information required by the game breeder's sales  
10 receipt.

11 d. For each animal which dies, disappears, or is destroyed  
12 on the licensee's game farm, the sex, species, date of death,  
13 and the number of any band, tag, or tattoo attached to the  
14 animal.

15 The licensee's copies of the required sales receipts shall  
16 be kept with the record book and are considered a part of it.

17 Records required by this section shall be entered in the  
18 annual report record book within forty-eight hours of the  
19 event.

20 4. Each licensee shall file an annual report with the  
21 commission on or before January 31. The report shall detail  
22 the game breeder's operations during the preceding license  
23 year. The original report shall be forwarded to the  
24 department and a copy shall be retained in the breeder's file  
25 for a period of three years from the date of expiration of the  
26 breeder's last license issued. Failure to keep or submit the  
27 required records and report are grounds for a refusal to renew  
28 a license for the succeeding year.

29 5. An on-site inspection of facilities shall be conducted  
30 by an officer of the commission prior to the initial issuance  
31 of a game breeder's license. The facilities may be  
32 reinspected by an officer of the commission at any reasonable  
33 time.

34 6. Any officer of the commission may enter any place where  
35 any game bird, game animal, or fur-bearing animal is at the

1 time located, or where it has been kept, or where the carcass  
2 of such animal may be, for the purpose of examining it in any  
3 way that may be necessary to determine whether it was or is  
4 infected with any contagious or infectious disease.

5 7. For the purpose of this section, infectious and  
6 contagious disease includes rabies, hoof and mouth disease,  
7 leptosirosis, black-head, or any other communicable disease so  
8 designated by the commission.

9 8. The commission may regulate or prohibit the importation  
10 into the state and exportation from the state of any species  
11 of game bird, game animal, or fur-bearing animal, domesticated  
12 or not, which in its opinion, for any reason, is determined to  
13 be detrimental to the health of animals within or without the  
14 state.

15 9. The commission may quarantine or destroy any game bird,  
16 game animal, or fur-bearing animal which is found to be  
17 infected with any contagious or infectious disease.

18 10. A licensed game breeder or other person having control  
19 of any game bird, game animal, or fur-bearing animal shall not  
20 knowingly offer for sale, sell, or barter such birds or  
21 animals which have an infectious or contagious disease, or  
22 allow those birds or animals to run at large or come in  
23 contact with any other game birds, game animals, or fur-  
24 bearing animals.

25 Sec. 22. Section 109.63, unnumbered paragraphs 1 and 2,  
26 Code 1987, are amended to read as follows:

27 Any person may be authorized to sell minnows, frogs,  
28 crayfish, salamanders, and clams mussels for fish bait upon  
29 the payment of a license fee to the commission. Minnow and  
30 bait boxes and tanks shall be open to inspection by the  
31 director and conservation officers at all times. ~~They~~ The  
32 licensee shall have tanks and bait boxes of sufficient size,  
33 with proper aeration to keep the bait alive and prevent heavy  
34 loss.

35 Such Except for species listed under chapter 109A as

1 endangered or threatened, the license shall authorize the  
2 licensee to take from the lakes and streams in the state that  
3 are not closed to the taking of minnows, frogs, crayfish,  
4 salamanders, and ~~clams~~ mussels, sufficient minnows, frogs,  
5 crayfish, salamanders, and ~~clams~~ mussels to carry on and  
6 supply the licensee's customers with bait for hook and line  
7 fishing if the licensee is present while the bait is being  
8 collected.

9 Sec. 23. Section 109.65, Code 1987, is amended by striking  
10 the section and inserting in lieu thereof the following:

11 109.65 LICENSES.

12 The director may, after investigation, issue to any person  
13 a scientific collector's license, a wildlife salvage permit,  
14 or a wildlife rehabilitation permit. A scientific collector's  
15 license will authorize the licensee to collect for scientific  
16 purposes only, any birds, nests, eggs, or wildlife. A salvage  
17 permit will authorize the permittee to salvage for educational  
18 purposes, any birds, nests, eggs, or animals according to the  
19 rules of the department. A wildlife rehabilitation permit  
20 will authorize the permittee to possess for rehabilitation  
21 purposes only, any orphaned or injured wildlife according to  
22 the rules of the department. A person to whom a license or  
23 permit is issued shall not dispose of any birds, nests, eggs,  
24 or wildlife or their parts except upon written permission of  
25 the director. The application for such licenses and permits  
26 shall be made upon blanks furnished by the department. Each  
27 holder of a license or permit shall, by January 31 of each  
28 year, file with the department a report showing all specimens  
29 collected or possessed under authority of the license or  
30 permit. A license or permit may be revoked by the director at  
31 any time for cause.

32 Sec. 24. Section 109.67, Code 1987, is amended to read as  
33 follows:

34 109.67 SEASONS AND LIMITS.

35 It is unlawful for any a person, except as otherwise

1 expressly provided, to take, capture, or kill fish, or frogs,  
2 or turtles except during the open season established by the  
3 commission. It is unlawful during open season to take in any  
4 one day an amount in excess of the daily catch limit  
5 designated for each variety or each locality, or have in  
6 possession any variety of fish, or frog, or turtle in excess  
7 of the possession limit, or have in possession any frog, or  
8 fish, or turtle at any time under the minimum length or  
9 weight. The open season, possession limit, daily catch limit,  
10 and the minimum length or weight for each variety of fish, or  
11 frog, or turtle shall be established by rule of the commission  
12 under the authority of sections 107.24, 109.38, and 109.39 and  
13 109B.1.

14 Sec. 25. NEW SECTION. 109.68 FISH DESIGNATED.

15 The commission may adopt rules designating game fish, com-  
16 mercial fish, and rough fish.

17 Sec. 26. Section 109.72, Code 1987, is amended to read as  
18 follows:

19 109.72 HOOKS.

20 No A person shall not at any time take from the waters of  
21 the state any fish, except as otherwise provided in this  
22 chapter, except with hook, line, and bait, nor shall any a  
23 person use more than two lines nor more than two hooks on each  
24 line in still fishing or trolling, and in fly fishing not more  
25 than two flies may be used on one line, and in trolling and  
26 bait casting not more than two trolling spoons or artificial  
27 bait may be used on one line. No A person shall not leave  
28 such fish line or lines and hooks in the water unattended or  
29 ~~take-or-attempt-to-take-any-fish-by-snagging-or-to-purposely~~  
30 ~~hook-them-in-any-other-part-than-in-the-mouth~~ by being out of  
31 visual sight of the lines and hooks. One hook shall mean  
32 means a single, double, or treble pointed hook, and all hooks  
33 attached as a part of an artificial bait or lure shall be  
34 counted as one hook.

35 Sec. 27. Section 109.73, Code 1987, is amended to read as

1 follows:

2 109.73 TROTLINES AND TAGGED LINES.

3 ~~It shall be unlawful for any person to use in~~ In the waters  
4 of the state open to the their use, of a person shall not use  
5 more than five tagged lines set to take fish such as trotlines  
6 ~~or throw lines, more than five trotlines or throw lines.~~ Such  
7 ~~trotlines or throw~~ tagged lines shall not have in the  
8 aggregate more than fifteen hooks. Each separate line when in  
9 use shall have attached a tag plainly labeled with the owner's  
10 name and address, shall be checked at least once each twenty-  
11 four hours, and no a person shall not use such throw tagged  
12 ~~lines or trotlines in any a~~ stocked lake or within three  
13 hundred feet of any a dam or spillway or in any a stream or  
14 portion of stream, which is closed or posted against the use  
15 of such tackle. One end of such ~~throw lines or trotlines~~  
16 shall be set from the shore and be visible above the shore  
17 waterline, but no such ~~throw line or trotline~~ shall be set  
18 entirely across a stream or body of water. Any untagged or  
19 unlawful lines when found in use shall be confiscated by any  
20 officer appointed by the commission director.

21 Sec. 28. Section 109.76, Code 1987, is amended to read as  
22 follows:

23 109.76 UNLAWFUL MEANS -- EXCEPTION.

24 It ~~shall be~~ is unlawful, except as otherwise provided, to  
25 use on or in the waters of the state any grabhook, snaghook,  
26 any kind of a net, seine, trap, firearm, dynamite, or other  
27 explosives, or poisonous or stupefying substances, lime,  
28 ashes, or electricity in the taking or attempting to take any  
29 fish, except that gaffhooks or landing nets may be used to  
30 assist in landing fish. No A person shall not take or kill,  
31 or attempt to take or kill any fish by hand fishing. However,  
32 carp, buffalo, quillback, gar, sheepshead, dogfish, and other  
33 rough fish designated by the commission may be taken by hand  
34 fishing, by snagging, by spear, by bow and arrow, day or  
35 night, and with artificial light. The snagging of paddlefish

1 and other game fish may be permitted at such times and at such  
2 places as ~~may-be~~ determined by ~~rule~~ rules of the commission.

3 Sec. 29. Section 109.82, Code 1987, is amended to read as  
4 follows:

5 109.82 PROHIBITED BAIT.

6 It ~~shall-be~~ is unlawful to transport or to use or to sell  
7 or offer for bait or to ~~place~~ introduce into any inland waters  
8 of the state or into any waters from which waters of the state  
9 may become stocked any fish of carp, quillback, gar, or  
10 dogfish, and any minnows or fish of any of these species taken  
11 ~~shall-not-be-returned-to-any-such-waters,-but-shall-be~~  
12 destroyed. Fish of these species may be returned to the  
13 waters from which they were caught.

14 A person shall not possess live gizzard shad at any lake.

15 Sec. 30. Section 109.87, Code 1987, is amended to read as  
16 follows:

17 109.87 OPEN SEASONS.

18 Except as otherwise provided, ~~no~~ a person shall not take,  
19 capture, kill, or have in possession any a fur-bearing animal  
20 or any ~~part-thereof~~ of its parts at any time except during the  
21 open season as set by the commission ~~under-authority-of~~  
22 ~~section-109-39~~ except where such the killing, trapping, or  
23 ensnaring ~~may-be~~ is for the protection of public or private  
24 property with the prior written permission of a duly appointed  
25 representative of the commission. All fur-bearing animals so  
26 taken shall be relinquished to a representative of the  
27 commission. Provided,-it-shall-be-lawful-for-any-person-to  
28 have-in-possession,-sell,-transport,-or-otherwise-dispose-of  
29 during-such-open-season-as-herein-provided,-and-for-ten-days  
30 thereafter,-the-carcass-of,-hide-or-skin-of-any-animal-named  
31 in-section-109-40-

32 ~~Taking-or-attempting-to-take-beaver-on-private-lands-or~~  
33 ~~waters-without-permission-of-the-owner-or-tenant-shall~~  
34 ~~constitute-a-simple-misdemeanor-~~

35 Sec. 31. Section 109.90, Code 1987, is amended to read as

1 follows:

2 109.90 DISTURBING DENS.

3 ~~It shall be unlawful for any~~ A person to shall not molest  
4 or disturb, in any manner, any muskrat den, lodge, or house,  
5 beaver-dam, skunk, mink, or raccoon den of a fur-bearing  
6 animal or beaver dam except by written permission of any an  
7 officer appointed by the commission director.

8 ~~Provided however, that nothing in this~~ This section shall  
9 does not prohibit the owner thereof to destroy any such a den  
10 to protect the owner's own property.

11 Sec. 32. Section 109.92, Code 1987, is amended to read as  
12 follows:

13 109.92 BOX TRAPS -- DISTURBING DENS -- TAGS FOR TRAPS.

14 Except as otherwise provided in this chapter no a person  
15 shall ~~at any time,~~ not use or attempt to use any colony traps  
16 in taking, capturing, trapping, or killing any game or fur-  
17 bearing animals. Box traps capable of capturing more than one  
18 game or fur-bearing animal at each setting are prohibited. A  
19 valid hunting license is required for box trapping cottontail  
20 rabbits and squirrels. All traps and snares used for the  
21 taking of fur-bearing animals shall have a metal tag attached  
22 plainly labeled with the ~~owner's~~ user's name and address. All  
23 traps and snares, except those which are placed entirely under  
24 water, shall be checked at least once every twenty-four hours.  
25 Officers appointed by the ~~commission shall have authority to~~  
26 department may confiscate such traps ~~when and snares~~ found in  
27 use that are not properly labeled or checked.

28 ~~It shall be unlawful for any person, except~~ Except as  
29 otherwise provided, to a person shall not use any chemicals,  
30 explosives, smoking devices, mechanical ferrets, wire, tool,  
31 instrument, or water to remove fur-bearing animals from their  
32 dens. Humane traps, or traps designed to kill instantly, with  
33 a jaw spread, as originally manufactured, exceeding eight  
34 inches ~~shall be~~ are unlawful to use except when placed  
35 entirely under water.

1 Sec. 33. Section 109.93, Code 1987, is amended to read as  
2 follows:

3 109.93 HUNTING BY ARTIFICIAL LIGHT.

4 ~~It shall be unlawful to~~ A person shall not throw or cast  
5 the rays of a spotlight, headlight, or other artificial light  
6 on any a highway, or in any a field, woodland, or forest for  
7 the purpose of spotting, locating, or taking or attempting to  
8 take or hunt any a bird or animal, except raccoons or other  
9 fur-bearing animals when treed with the aid of dogs, while  
10 having in possession or control, either singly or as one of a  
11 group of persons, any firearm, bow, or other implement or  
12 device whereby game a bird or animal could be killed or taken.

13 ~~Any person violating this section shall be guilty of a~~  
14 ~~simple misdemeanor.~~

15 Sec. 34. Section 109.98, Code 1987, is amended to read as  
16 follows:

17 109.98 REPORTING VIOLATIONS.

18 ~~It shall be the duty of each~~ Each fur dealer to shall  
19 report to the commission, the name of any person if known to  
20 such the dealer, who attempts to sell any skins or hides which  
21 appear to have been unlawfully taken, or possessed by said  
22 that person.

23 Sec. 35. Section 109.120, Code 1987, is amended to read as  
24 follows:

25 109.120 HUNTING FROM AIRCRAFT OR SNOWMOBILES PROHIBITED.

26 ~~It shall be unlawful for any~~ A person to, either singly or  
27 as one of a group of persons, shall not intentionally kill or  
28 wound, attempt to kill or wound, or pursue any animal, fowl,  
29 or fish from or with an aircraft in flight or from or with any  
30 self-propelled vehicles designed for travel on snow or ice  
31 which utilize sled type runners, or skis, or an endless belt  
32 tread, or wheel or any combination thereof and which are  
33 commonly known as snowmobiles. ~~Any person who violates the~~  
34 ~~provisions of this section shall be guilty of a simple~~  
35 ~~misdemeanor.~~

1 Sec. 36. Section 109.122, Code 1987, is amended to read as  
2 follows:

3 109.122 DEER HUNTERS' ORANGE APPAREL.

4 ~~It shall be unlawful for any~~ A person to shall not hunt  
5 deer with firearms unless the person is at the time wearing  
6 ~~one or more of~~ the following articles of visible, external  
7 apparel: Vest Both a hat or cap, and a vest, coat, jacket,  
8 sweatshirt, sweater, shirt or coveralls, hat or cap, the color  
9 of which shall be solid blaze orange and shall provide an  
10 iridescent effect.

11 Sec. 37. Section 109.123, Code 1987, is amended to read as  
12 follows:

13 109.123 PROHIBITED HUNTING NEAR BUILDINGS.

14 A person shall not ~~hunt~~ discharge a firearm at any game or  
15 fur-bearing animal within two hundred yards of any a building  
16 inhabited by people or domestic livestock unless the owner or  
17 tenant has given consent, except while on a public hunting  
18 area.

19 Sec. 38. Section 109.126, Code 1987, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 6. All transactions, tags, and specimens  
22 left in the custody of the taxidermist by another person shall  
23 be open to inspection by a conservation officer at any reason-  
24 able hour.

25 Sec. 39. Section 109.126, subsection 2, Code 1987, is  
26 amended to read as follows:

27 2. A license is required for the practice of taxidermy.  
28 The commission, upon application and payment of the required  
29 license fee, shall furnish proper certificates to the  
30 applicant. The director may revoke the license for good  
31 cause.

32 Sec. 40. Section 109.130, Code 1987, is amended to read as  
33 follows:

34 109.130 DAMAGES IN ADDITION TO PENALTY.

35 In addition to the penalties for violations of this chapter

1 and chapter 109, any a person convicted of unlawfully taking,  
2 catching, killing, injuring, destroying, or having in  
3 possession any ~~fish, game, or fur-bearing~~ animal, shall  
4 reimburse the state for the value of such as follows:

5 1. For each deer, elk, antelope, buffalo or moose, ~~seven~~  
6 hundred-fifty one thousand dollars.

7 2. For each wild turkey, two hundred dollars.

8 3. For each ~~game bird, fur-bearing animal~~ or game animal  
9 or the raw pelt or plumage of such game bird or animal for  
10 which damages are not otherwise prescribed, ~~twenty-five-to~~  
11 fifty dollars.

12 4. For each fish, ~~five~~ reptile, mussel, or amphibian,  
13 fifteen dollars.

14 5. For each beaver, mink, otter, red fox, gray fox, or  
15 raccoon, one hundred dollars.

16 6. For each animal classified by the commission as an  
17 endangered or threatened species, one thousand dollars.

18 Sec. 41. Section 110A.3, unnumbered paragraph 2, Code  
19 1987, is amended to read as follows:

20 Pen-reared game birds, as defined in section ~~109.41~~ 109.1,  
21 released on licensed area may be taken during the shooting  
22 season provided in this chapter but not to exceed eighty  
23 percent of the total number of the species of said game birds  
24 released. Pen-reared waterfowl, two generations removed from  
25 the wild and chukar partridge may be released at any time of  
26 year for shooting purposes and one hundred percent may be  
27 harvested by shooting. The word "waterfowl" shall be defined  
28 as those birds constituting the Anatidae as listed in section  
29 ~~109.41~~ 109.1. All birds so released shall be at least twelve  
30 weeks of age before liberation date. A minimum of one hundred  
31 pen-reared birds of each species to be shot shall be released  
32 during the open season. Experimental releases of less than  
33 one hundred birds of each species shall require a special  
34 permit from the department.

35 Sec. 42. Sections 109.40, 109.41, and 109.43 through

1 109.46, Code 1987, are repealed.

2

EXPLANATION

3 This bill contains several revisions of the laws regarding  
4 hunting, fishing, and trapping.

5 Section 1 transfers the definitions of "bird, fish, frog,  
6 mussels, fur-bearing animals, and game" to the definitions  
7 section and adds definitions of "spawn, turtle, amphibian, and  
8 reptile".

9 Section 2 amends the definition of taking an animal and  
10 expands the definition of mammal.

11 Sections 3 and 4 extend the commission's search and seizure  
12 authority to violations of other chapters.

13 Section 5 transfers a reciprocity provision from section  
14 109.112 which is repealed.

15 Section 6 removes an authorization of crow hunting when  
16 training hunting dogs.

17 Section 7 makes it a violation to use radio to hunt fur-  
18 bearing animals.

19 Section 8 establishes a minimum fine of \$10 for violations  
20 of the chapter.

21 Section 9 makes shipping raw pelts and fur in violation of  
22 the chapter by common carrier a violation.

23 Sections 10 and 11 amend the section on presumptive  
24 evidence.

25 Section 12 allows the commission greater flexibility in the  
26 issuance of deer and wild turkey licenses.

27 Section 13 allows the commission greater flexibility in  
28 reducing deer population on federal property.

29 Section 14 requires a catch in violation of law to be ex-  
30 hibited.

31 Section 15 prohibits the use of any device to chase animals  
32 from dens.

33 Section 16 removes a requirement for the marking of deer  
34 hides.

35 Section 17 allows dog training during the gun season for

- 1 deer.
- 2 Section 18 limits possession of fur-bearing animals or
- 3 pelts after the season.
- 4 Sections 19, 20, and 21 revise and expand the regulation of
- 5 game breeders.
- 6 Section 22 expands the bait dealer's license to cover
- 7 crayfish and salamanders.
- 8 Section 23 authorizes a wildlife salvage permit and a
- 9 wildlife rehabilitation permit.
- 10 Section 24 authorizes regulation of the taking of turtles.
- 11 Section 25 allows the commission to designate game, commer-
- 12 cial, and rough fish by rule.
- 13 Section 26 revises attendance of fish lines and snagging.
- 14 Section 27 expands the application of tagged lines
- 15 regulations.
- 16 Section 28 allows the snagging of game fish.
- 17 Section 29 allows the return of rough fish from the water
- 18 from which they were taken.
- 19 Section 30 requires written permission of the commission to
- 20 kill a destructive fur-bearing animal out of season and
- 21 requires the carcass to be relinquished to the commission.
- 22 Section 31 expands the prohibition on destroying the den or
- 23 lodge of a fur-bearing animal.
- 24 Section 32 requires snares to be tagged.
- 25 Section 33 expands the prohibition on hunting with lights.
- 26 Section 34 requires fur dealers to report apparently un-
- 27 lawfully taken hides.
- 28 Section 35 expands the prohibition on hunting from snow-
- 29 mobiles or aircraft.
- 30 Section 36 expands the clothing that will satisfy the blaze
- 31 orange requirement and requires that at least two pieces be
- 32 worn.
- 33 Section 37 allows a person to stalk or pursue animals but
- 34 not fire, within 200 yards of an inhabited building, without
- 35 the owner's consent, except in public hunting areas.

1 Section 38 allows the commission to inspect taxidermy  
2 records and specimens, and section 39 authorizes the revoca-  
3 tion of a taxidermy license.

4 Section 40 increases the civil penalties for unlawful  
5 taking of animals.

6 Section 41 coordinates a cross reference.

7 Section 42 repeals transferred definitions and reciprocity  
8 provisions.

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HOUSE FILE 395

AN ACT

RELATING TO THE TAKING OF ANIMALS AND SUBJECTING VIOLATORS TO PENALTIES.

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

Section 1. Section 109.1, Code 1987, is amended by adding the following new subsections:

- NEW SUBSECTION. 16. "Bird" means a member of the class Aves.
- NEW SUBSECTION. 17. "Fish" means a member of the class Pisces.
- NEW SUBSECTION. 18. "Frog" means a member of the order Anura.
- NEW SUBSECTION. 19. "Amphibian" means a member of the class Amphibia.
- NEW SUBSECTION. 20. "Reptile" means a member of the class Reptilia.
- NEW SUBSECTION. 21. "Mussels" means the pearly fresh water mussels, clams or naiads, and their shells.
- NEW SUBSECTION. 22. "Fur-bearing animals" means the following which are declared to be fur-bearing animals for the purpose of regulation and protection under the Code: beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, and gray fox. This chapter does not apply to domesticated fur-bearing animals.
- NEW SUBSECTION. 23. "Game" means all of the animals specified in this subsection except those designated as not protected, and includes the heads, skins, and any other parts, and the nests and eggs of birds and their plumage.
- a. The Anatidae: such as swans, geese, brant, and ducks.

- b. The Rallidae: such as rails, coots, mudhens, and gallinules.
- c. The Limicolae: such as shorebirds, plovers, surfbirds, snipe, woodcock, sandpipers, tattlers, godwits, and curlews.
- d. The Gallinae: such as wild turkeys, grouse, pheasants, partridges, and quail.
- e. The Columbidae: such as mourning doves and wild rock doves only.
- f. The Sciuridae: such as gray squirrels, fox squirrels.
- g. The Leporidae: cottontail rabbits and jackrabbits only.
- h. The Cervidae: such as deer and elk.
- NEW SUBSECTION. 24. "Spawn" means any of the eggs of any fish, amphibian, or mussel.
- NEW SUBSECTION. 25. "Turtle" means any member of the order Testudines.
- NEW SUBSECTION. 26. "Biological balance" means that condition when the number of animals present over the long term is at or near the number of animals of a particular species that the available habitat is capable of supporting.
- Sec. 2. Section 109.1, subsections 8 and 14, Code 1987, are amended to read as follows:
8. "Take" or "taking" or "attempting to take" or "hunt" is any pursuing, or any hunting, fishing, killing, trapping, snaring, netting, searching for or shooting at, stalking or lying in wait for any game, animal, bird, or fish protected by the state laws or regulations rules adopted by the commission whether or not such game animal be then subsequently captured, killed, or injured.

14. "Wild mammal" means a ~~mammal-and-family-of-mammal listed-in-sections-109.40-and-109.41~~ member of the class Mammalia.

Sec. 3. Section 109.12, Code 1987, is amended to read as follows:

109.12 SEIZURE OF UNLAWFUL GAME.

~~It shall be the duty of the~~ The director or any peace officer to shall seize with or without warrant and take possession of any fish, furs, birds, or animals, or mussels, clams, and or frogs, ~~except for bait~~ which have been caught, taken, or killed at a time, in a manner, or for a purpose, or had in possession or under control, or offered for shipment, or illegally transported in the state or to a point beyond the its borders thereof, contrary to the provisions of this chapter Code.

Sec. 4. Section 109.13, Code 1987, is amended to read as follows:

109.13 SEARCH WARRANTS.

Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing that any fish, mussels, clams, frogs, birds, furs, or animals caught, taken, killed, had in possession, under control, or shipped, contrary to ~~any of the provisions of this chapter~~ the Code, or hidden or concealed in any place, shall issue a search warrant and cause a search to be made in any place therefor. The property so seized under such warrant shall be safely kept under the direction of the court so long as necessary for the purpose of being used as evidence in any trial, and if such a trial results in a conviction the property seized shall be confiscated by the director or the director's officers.

Sec. 5. Section 109.21, Code 1987, is amended to read as follows:

109.21 BIRDS AS TARGETS.

No a person shall not keep or use any live pigeon or other bird as a target, to be shot at for amusement or as a test of skill in marksmanship, or shoot at a bird kept or used for such purpose, or be a party to such shooting, or lease any building, room, field, or premises, or knowingly permit the use thereof, for the purpose of such shooting. ~~Nothing in this~~ This section shall does not prevent any person from shooting at live pigeons, sparrows, crows and starlings when used in the training of hunting dogs.

Sec. 6. Section 109.24, Code 1987, is amended to read as follows:

109.24 USE OF MOBILE TRANSMITTER PROHIBITED.

A person who is hunting shall not use a mobile radio transmitter to communicate the location or direction of game or fur-bearing animals or to co-ordinate the movement of other hunters. This section does not apply to the hunting of coyotes from January 1 through March 31.

Sec. 7. Section 109.32, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Whoever shall take, catch, kill, injure, destroy, have in possession, buy, sell, ship, or transport any frogs, fish, mussels, birds, their nests, eggs, or plumage, fowls, game, or animals or their fur or raw pelt in violation of the provisions of this chapter or of administrative rules of the commission or whoever shall use any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means, the use of which is prohibited by this chapter, or use the same at a time, place, or in a manner or for a purpose prohibited, or do any other act in violation of the provisions of this chapter or of administrative rules of the commission for which no other punishment is provided, ~~shall be~~ is guilty of a simple misdemeanor and shall be assessed a minimum fine of ten dollars for each offense.

Sec. 8. Section 109.32, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of taking a deer, antelope, moose, buffalo, or elk with a prohibited weapon as defined by rules of the department, is subject to a fine of one hundred dollars for each offense committed while taking the animal with the prohibited weapon.

Sec. 9. Section 109.34, Code 1987, is amended to read as follows:

109.34 VIOLATIONS BY COMMON CARRIER.

Any ~~A~~ common carrier which ~~shall violate~~ violates any of the provisions of this chapter relating to receiving, having in possession, shipping, or delivering any fish, fowls, birds, birds' nests, eggs, or plumage, fur, raw pelts, game, or animals, in violation of the provisions of ~~this chapter~~ the Code or contrary to the regulations and restrictions therein provided in this chapter, and any agent, employee, or servant of ~~such corporation~~ a common carrier violating such provisions, ~~shall be~~ is guilty of a simple misdemeanor.

Sec. 10. Section 109.37, subsection 1, Code 1987, is amended by striking the subsection.

Sec. 11. Section 109.37, subsection 4, Code 1987, is amended to read as follows:

4. Have in possession any implements, devices, equipment, or means whatever of taking fish, birds, or animals protected by ~~this chapter~~ the Code at any place where the possession or use thereof is prohibited.

Sec. 12. Section 109.38, unnumbered paragraph 1, and subsections 1 and 2, Code 1987, are amended to read as follows:

It ~~shall be~~ is unlawful for any ~~a~~ person to take, pursue, kill, trap or ensnare, buy, sell, possess, transport, or attempt to so take, pursue, kill, trap or ensnare, buy, sell, possess, or transport any game, protected nongame birds animals, fur-bearing animals or fur or skin of such animals, mussels, frogs, spawn or fish or any part thereof, except upon the terms, conditions, limitations, and restrictions set forth herein, and administrative orders rules necessary to carry out the purposes set out in section 109.39, or as provided by the Code.

1. The commission may upon its own motion and after an investigation, alter, limit, or restrict the methods or means employed and the instruments or equipment used in taking wild mammals, ~~wild-turkey, pheasant, quail~~ birds subject to section 109.48, fish, reptiles, and amphibians, if the investigation

reveals that the action would be desirable or beneficial in promoting the interests of conservation, or the commission may, after an investigation when it is found there is imminent danger of loss of fish through natural causes, authorize the taking of fish by means found advisable to salvage imperiled fish populations.

2. ~~If following an investigation the commission finds that the number of hunters licensed to take deer or wild turkey should be limited, further regulated, or expanded, the commission shall conduct a drawing to determine which applicants receive a license. If further deer depopulation is warranted in localized areas, the commission shall consider additional hunting days and additional any sex deer licenses shall be issued for those areas. Applications for licenses shall be received and accepted during a forty-five day period established by the commission. At the end of the period the drawing shall be conducted. If the quota has not been filled, licenses shall be issued in the order in which applications are received and shall continue to be issued until the quota has been met or until a date fifteen days prior to the opening day of the season, whichever first occurs. If the commission finds that the number of hunters licensed or the type of license issued to take deer or wild turkey should be limited or further regulated the commission shall conduct a drawing to determine which applicants shall receive a license and the type of license. Applications for licenses shall be received during a period established by the commission. At the end of the period a drawing shall be conducted. The commission may establish rules to issue licenses after the established application period. If an applicant receives a deer license which is more restrictive than licenses issued to others for the same period and place, the applicant shall receive a certificate with the license entitling the applicant to priority in the drawing for the less restrictive deer licenses the following year. The certificate must accompany that~~

person's application the following year, or the applicant will not receive this priority. Persons purchasing a deer license for the gun season under this section and under section 110.1 are not eligible for a gun deer-hunting license under section 110.24. This subsection does not apply to the hunting of wild turkey on game breeding and shooting preserves licensed under chapter 110A.

Sec. 13. Section 109.39, Code 1987, is amended to read as follows:

109.39 BIOLOGICAL BALANCE MAINTAINED.

~~The open seasons, closed seasons, bag limits, size limits, catch limits, possession limits and territorial limitations set forth herein pertaining to fish, game and various species of wildlife are based upon a proper biological balance as hereinafter defined being maintained for each species or kind. The seasons, catch limits, bag limits, size limits, possession limits and territorial limitations set forth herein shall prevail and be in force and effect for each and every species of wildlife to which they pertain as long as the biological balance for each species or kind remain such as to assure the maintenance of an adequate supply of such species. The~~ commission is designated the sole agency to determine the facts as to whether such biological balance does or does not exist. ~~if the commission, after investigation finds that the number or the number and sex of each or any species or kind of wildlife is at variance to aforesaid condition, the~~ The commission shall, by administrative rule, extend, shorten, open, or close seasons and set, increase, or reduce catch limits, bag limits, size limits, possession limits, or territorial limitations or further regulate taking conditions in accordance with said findings sound fish and wildlife management principles. ~~For the purpose of this section biological balance is defined as that condition when all losses to population are compensated by natural reproductive activity or artificial replenishment, replacement or stocking.~~

~~if the commission finds that the biological balance of deer cannot be maintained on land owned by the federal government because of hunting prohibitions on weekdays, the commission may extend the open season for deer hunting within such areas for one or more weekends beyond the regular season as established by the commission. The total number of days of deer hunting permitted in areas owned by the federal government shall not exceed the total number of days authorized for deer hunting in the state, or that part of the state in which the federal owned land is located, as established by the commission.~~

Sec. 14. Section 109.52, Code 1987, is amended to read as follows:

109.52 EXHIBITING CATCH TO OFFICER.

Any A person who shall have has in possession any game bird or game animal, fish or fur or part thereof shall upon request of the director or any officer appointed by the commission department exhibit the same it to the director or officer, and a refusal to do so shall constitute is a violation of this chapter the Code.

Sec. 15. Section 109.53, Code 1987, is amended to read as follows:

109.53 CHASING FROM DENS.

It shall be is unlawful to have in possession while hunting or to use while hunting any ferret or mechanical any device or any substance to be used for chasing animals from their dens.

Sec. 16. Section 109.55, Code 1987, is amended to read as follows:

109.55 SELLING GAME.

Except as otherwise provided, ~~it shall be unlawful for any~~ a person to shall not buy or sell, dead or alive, any a bird or animal or any part thereof of one which is protected by this chapter, but nothing in this section shall does not apply to fur-bearing animals, rabbits, and the skins, and plumage, and antlers of legally taken game. Beer-hides shall be

~~plainly-labeled-with-the-owner's-name-and-address-and-license number-prior-to-the-sale---This-name-and-address-and-license number-must-remain-attached-to-the-hide-while-such-hide-is within-the-boundaries-of-this-state-~~ This section does not prohibit the purchase of jackrabbits from sources outside this state. No A person shall not purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds; and no a person shall not purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds.

Sec. 17. Section 109.56, subsection 1, Code 1987, is amended to read as follows:

1. ~~Except-during-the-open-gun-season-for-hunting-deer-at which-time-no-training-of-dogs-is-allowed,~~ any A person having a valid hunting license may train a bird dog on any game birds and a person having a valid fur harvester license may train a coon hound, fox hound, or trailing dog on any fur-bearing animals at any time of the year including during the closed season on such birds or animals, ~~provided.~~ However, the animals when pursued to a tree or den shall not be further chased or removed in any manner from the tree or den. A person having a hunting license may train a dog on coyote or groundhog.

Only a pistol, revolver, or other gun shooting blank cartridges shall be used while training dogs during closed season except as provided in subsection 2 of this section.

Sec. 18. Section 109.57, Code 1987, is amended to read as follows:

109.57 POSSESSION AND STORAGE.

Any A person having lawful possession of game or fur-bearing animals or their pelts may hold same them for not to exceed ten thirty days after the close of the open season for such game or fur-bearers. A permit to hold such-game for a longer period may be granted by the commission department.

Sec. 19. Section 109.60, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

109.60 RAISING GAME -- RULEMAKING AUTHORITY.

A person shall not raise or sell game or fur-bearing animals of the kinds protected by this chapter without first procuring a game breeder's license as provided by law. The commission may adopt rules which ensure that all game birds, game animals, and fur-bearing animals handled and confined by licensed game breeders are provided with humane care and treatment. A violation of a rule adopted by the commission is a cause for license revocation. This section does not apply to governmental zoos and exhibits.

Sec. 20. Section 109.61, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

109.61 LICENSED GAME BREEDERS -- MARKETING GAME -- PENALTY.

1. Except as otherwise provided by law, a licensed game breeder whose original stock is obtained from a lawful source may possess any game bird, game animal, or fur-bearing animal, or any of their parts. Possession and use of the game birds, game animals, or fur-bearing animals obtained from a licensed game breeder are lawful.

2. Fur-bearing animals shall not be acquired for breeding or propagating purposes from any source unless they have been pen-raised for at least two successive generations.

3. A game breeder's license is not a license to possess, breed, propagate, sell, or dispose of any species which is defined as endangered or threatened under state law unless the species is listed on the license. Its possession, breeding, propagation, sale, and disposal are subject to all applicable state and federal statutes.

4. A licensed game breeder shall not acquire protected live game animals, game birds, their eggs, or fur-bearing animals taken from the wild within this state.

5. Game birds or game animals may be sold for food only under the following conditions:

a. The licensed game breeder shall file with the commission a facsimile of a stamp of similar type to that used by the United States department of agriculture in grading meat.

b. Licensed game breeders may sell dressed game birds or game animals to markets for resale providing each game bird or game animal has affixed upon it in a conspicuous and legible manner the imprint of the game breeder's stamp.

c. The stamp shall bear the name and number of the game breeder in letters of at least twelve-point type size.

6. Markets selling stamped game shall:

a. Maintain the stamp on each game bird or game animal until the bird or animal is disposed of or sold.

b. Keep a record showing the total number of game birds or game animals sold together with the name and address of the game breeder from whom purchased and the number of game birds and animals in each purchase.

7. Markets selling stamped game, together with their records, are subject to inspection by an authorized representative of the commission at any reasonable time.

8. Violation of a provision of this section may be cause for license revocation.

Sec. 21. Section 109.62, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

109.62 RECORDS -- REPORTS -- INSPECTION.

1. A holder of a game breeder's license shall keep the records and make the reports required by this section on forms provided by the department. The records shall be open for inspection at any reasonable time by the department or its authorized agents.

2. At the time of every sale or conveyance of an animal, animal parts, or products, the licensee shall complete a game breeder's sales receipt on forms provided by the department. The forms shall require the following information:

a. The name, address, county, and license number assigned to the breeder.

b. The name and address of the purchaser.

c. The number, species, sex, and age of the animals or birds conveyed.

3. Licensees shall maintain business records for all species in an annual report record book. The records shall include the following information:

a. For each animal acquired other than by birth on the licensee's game farm, the sex and species, the date of acquisition, the number acquired, and the name and address of the source from which acquired.

b. For each animal born on the licensee's game farm, the sex, species, date of birth, and number of any band, tag, or tattoo subsequently attached to the animal.

c. For each animal sold or disposed of other than by death the same information required by the game breeder's sales receipt.

d. For each animal which dies, disappears, or is destroyed on the licensee's game farm, the sex, species, date of death, and the number of any band, tag, or tattoo attached to the animal.

The licensee's copies of the required sales receipts shall be kept with the record book and are considered a part of it.

Records required by this section shall be entered in the annual report record book within forty-eight hours of the event.

4. Each licensee shall file an annual report with the commission on or before January 31. The report shall detail the game breeder's operations during the preceding license year. The original report shall be forwarded to the department and a copy shall be retained in the breeder's file for a period of three years from the date of expiration of the breeder's last license issued. Failure to keep or submit the required records and report are grounds for a refusal to renew a license for the succeeding year.

5. An on-site inspection of facilities shall be conducted by an officer of the commission prior to the initial issuance of a game breeder's license. The facilities may be reinspected by an officer of the commission at any reasonable time.

6. Any officer of the commission may enter any place where any game bird, game animal, or fur-bearing animal is at the time located, or where it has been kept, or where the carcass of such animal may be, for the purpose of examining it in any way that may be necessary to determine whether it was or is infected with any contagious or infectious disease.

7. For the purpose of this section, infectious and contagious disease includes rabies, hoof and mouth disease, leptospirosis, black-head, or any other communicable disease so designated by the commission.

8. The commission may regulate or prohibit the importation into the state and exportation from the state of any species of game bird, game animal, or fur-bearing animal, domesticated or not, which in its opinion, for any reason, is determined to be detrimental to the health of animals within or without the state.

9. The commission may quarantine or destroy any game bird, game animal, or fur-bearing animal which is found to be infected with any contagious or infectious disease.

10. A licensed game breeder or other person having control of any game bird, game animal, or fur-bearing animal shall not knowingly offer for sale, sell, or barter such birds or animals which have an infectious or contagious disease, or allow those birds or animals to run at large or come in contact with any other game birds, game animals, or fur-bearing animals.

Sec. 22. Section 109.63, unnumbered paragraphs 1 and 2, Code 1987, are amended to read as follows:

Any person may be authorized to sell minnows, frogs, crayfish, salamanders, and clams mussels for fish bait upon

the payment of a license fee to the commission. Minnow and bait boxes and tanks shall be open to inspection by the director and conservation officers at all times. They The licensee shall have tanks and bait boxes of sufficient size, with proper aeration to keep the bait alive and prevent heavy loss.

Such Except for species listed under chapter 109A as endangered or threatened, the license shall authorize the licensee to take from the lakes and streams in the state that are not closed to the taking of minnows, frogs, crayfish, salamanders, and clams mussels, sufficient minnows, frogs, crayfish, salamanders, and clams mussels to carry on and supply the licensee's customers with bait for hook and line fishing if the licensee is present while the bait is being collected.

Sec. 23. Section 109.65, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

109.65 LICENSES.

The director may, after investigation, issue to any person a scientific collector's license, a wildlife salvage permit, educational project permit, or a wildlife rehabilitation permit. A scientific collector's license will authorize the licensee to collect for scientific purposes only, any birds, nests, eggs, or wildlife. A wildlife salvage permit will authorize the permittee to salvage for educational purposes, any birds, nests, eggs, or animals according to the rules of the department. An educational project permit authorizes the permittee to collect, keep, or possess for educational purposes birds, fish or wildlife which are not endangered, threatened or otherwise specially managed according to the rules of the department. A wildlife rehabilitation permit will authorize the permittee to possess for rehabilitation purposes only, any orphaned or injured wildlife according to the rules of the department. A person to whom a license or permit is issued shall not dispose of any birds, nests, eggs,

or wildlife or their parts except upon written permission of the director. The application for such licenses and permits shall be made upon blanks furnished by the department. Each holder of a license or permit shall, by January 31 of each year, file with the department a report showing all specimens collected or possessed under authority of the license or permit. Upon a showing of cause the department may enter and inspect the premises and collections authorized by this section. A license or permit may be revoked by the director, after due notice, at any time for cause.

Sec. 24. Section 109.67, Code 1987, is amended to read as follows:

109.67 SEASONS AND LIMITS.

It is unlawful for any a person, except as otherwise expressly provided, to take, capture, or kill fish<sub>2</sub> or frogs<sub>1</sub> or turtles except during the open season established by the commission. It is unlawful during open season to take in any one day an amount in excess of the daily catch limit designated for each variety or each locality, or have in possession any variety of fish<sub>2</sub> or frog<sub>1</sub> or turtle in excess of the possession limit, or have in possession any frog<sub>1</sub> or fish, or turtle at any time under the minimum length or weight. The open season, possession limit, daily catch limit, and the minimum length or weight for each variety of fish<sub>1</sub> or frog, or turtle shall be established by rule of the department or commission under the authority of sections 107.24, 109.38<sub>1</sub> and 109.39 and 109B.1.

Sec. 25. NEW SECTION. 109.68 FISH DESIGNATED.

The commission may adopt rules designating game fish, commercial fish, and rough fish.

Sec. 26. Section 109.72, Code 1987, is amended to read as follows:

109.72 HOOKS.

No a person shall not at any time take from the waters of the state any fish, except as otherwise provided in this

chapter, except with hook, line, and bait, nor shall any a person use more than two lines nor more than two hooks on each line in still fishing or trolling, and in fly fishing not more than two flies may be used on one line, and in trolling and bait casting not more than two trolling spoons or artificial bait may be used on one line. No A person shall not leave such fish line or lines and hooks in the water unattended or ~~take-or-attempt-to-take-any-fish-by-snagging-or-to-purposely hook-them-in-any-other-part-than-in-the-mouth by being out of visual sight of the lines and hooks.~~ One hook shall ~~mean~~ means a single, double, or treble pointed hook, and all hooks attached as a part of an artificial bait or lure shall be counted as one hook.

Sec. 27. Section 109.73, Code 1987, is amended to read as follows:

109.73 TROT LINES AND TAGGED LINES.

~~It shall be unlawful for any person to use in~~ In the waters of the state open to the their use, of a person shall not use more than five tagged lines set to take fish such as trotlines or throw lines, ~~more than five trotlines or throw lines.~~ Such ~~trotlines or throw~~ tagged lines shall not have in the aggregate more than fifteen hooks. Each separate line when in use shall have attached a tag plainly labeled with the owner's name and address, shall be checked at least once each twenty-four hours, and no a person shall not use ~~such throw~~ tagged lines ~~or trotlines~~ in any a stocked lake or within three hundred feet of any a dam or spillway or in any a stream or portion of stream, which is closed or posted against the use of such tackle. One end of such throw lines ~~or trotlines~~ shall be set from the shore and be visible above the shore waterline, but no such throw line ~~or trotline~~ shall be set entirely across a stream or body of water. Any untagged or unlawful lines when found in use shall be confiscated by any officer appointed by the commission director.

Sec. 28. Section 109.76, Code 1987, is amended to read as follows:

109.76 UNLAWFUL MEANS -- EXCEPTION.

It ~~shall be~~ is unlawful, except as otherwise provided, to use on or in the waters of the state any grabhook, snaghook, any kind of a net, seine, trap, firearm, dynamite, or other explosives, or poisonous or stupefying substances, lime, ashes, or electricity in the taking or attempting to take any fish, except that gaffhooks or landing nets may be used to assist in landing fish. No A person shall not take or kill, or attempt to take or kill any fish by hand fishing. However, carp, buffalo, quillback, gar, sheepshead, dogfish, and other rough fish designated by the commission may be taken by hand fishing, by snagging, by spear, by bow and arrow, day or night, and with artificial light. The snagging of paddlefish and other game fish may be permitted at such times and at such places as may be determined by rule rules of the commission.

Sec. 29. Section 109.82, Code 1987, is amended to read as follows:

109.82 PROHIBITED BAIT.

It ~~shall be~~ is unlawful to transport or to use or to sell or offer for bait or to place introduce into any inland waters of the state or into any waters from which waters of the state may become stocked any fish of carp, quillback, gar, or dogfish, and any minnows or fish of any of these species taken ~~shall not be returned to any such waters, but shall be destroyed.~~ Fish of these species may be returned to the waters from which they were caught.

A person shall not possess live gizzard shad at any lake.

Sec. 30. NEW SECTION. 109.83 PROHIBITED STOCKING.

A person shall not stock or introduce into the waters of the state a live fish, except for hooked bait, without the permission of the director. This section does not apply to privately owned ponds and lakes.

Sec. 31. Section 109.87, Code 1987, is amended to read as follows:

109.87 OPEN SEASONS.

Except as otherwise provided, no a person shall not take, capture, kill, or have in possession any a fur-bearing animal or any part thereof of its parts at any time except during the open season as set by the commission under authority of section 109.99 except where such the killing, trapping, or ensnaring may be is for the protection of public or private property with the prior written permission of a duly appointed representative of the commission. All fur-bearing animals so taken shall be relinquished to a representative of the commission. Provided, it shall be lawful for any person to have in possession, sell, transport, or otherwise dispose of during such open season as herein provided, and for ten days thereafter, the carcass of, hide or skin of any animal named in section 109.48:

Taking or attempting to take beaver on private lands or waters without permission of the owner or tenant shall constitute a simple misdemeanor:

Sec. 32. Section 109.90, Code 1987, is amended to read as follows:

109.90 DISTURBING DENS.

~~It shall be unlawful for any A person to shall not~~ molest or disturb, in any manner, any muskrat den, lodge, or house beaver dam, skunk, mink, or raccoon den of a fur-bearing animal or beaver dam except by written permission of any an officer appointed by the commission director.

Provided however, that nothing in this This section shall does not prohibit the owner thereof to destroy any such a den to protect the owner's own property.

Sec. 33. Section 109.92, Code 1987, is amended to read as follows:

109.92 BOX TRAPS -- DISTURBING DENS -- TAGS FOR TRAPS.

Except as otherwise provided in this chapter no a person shall at any time, not use or attempt to use any colony traps in taking, capturing, trapping, or killing any game or fur-bearing animals. Box traps capable of capturing more than one game or fur-bearing animal at each setting are prohibited. A valid hunting license is required for box trapping cottontail rabbits and squirrels. All traps and snares used for the taking of fur-bearing animals shall have a metal tag attached plainly labeled with the owner's user's name and address. All traps and snares, except those which are placed entirely under water, shall be checked at least once every twenty-four hours. Officers appointed by the commission shall have authority to department may confiscate such traps when and snares found in use that are not properly labeled or checked.

~~It shall be unlawful for any person, except~~ Except as otherwise provided, to a person shall not use any chemicals, explosives, smoking devices, mechanical ferrets, wire, tool, instrument, or water to remove fur-bearing animals from their dens. Humane traps, or traps designed to kill instantly, with a jaw spread, as originally manufactured, exceeding eight inches shall be are unlawful to use except when placed entirely under water.

Conibear type traps and snares shall not be set on the right-of-way of a public road within two hundred yards of the entry to a private drive serving a residence without the permission of the occupant.

A snare when set shall not have a loop larger than eight inches in horizontal measurement except for a snare set with at least one-half of the loop underwater. A snare set on private land other than roadsides within thirty yards of a pond, lake, creek, drainage ditch, stream, or river shall not have a loop larger than eleven inches in horizontal measurement.

All snares shall have a functional deer lock which will not allow the snare loop to close smaller than two and one-half inches in diameter.

Sec. 34. Section 109.93, Code 1987, is amended to read as follows:

109.93 HUNTING BY ARTIFICIAL LIGHT.

~~It shall be unlawful to~~ A person shall not throw or cast the rays of a spotlight, headlight, or other artificial light on any a highway, or in any a field, woodland, or forest for the purpose of spotting, locating, or taking or attempting to take or hunt any a bird or animal, except raccoons or other fur-bearing animals when treed with the aid of dogs, while having in possession or control, either singly or as one of a group of persons, any firearm, bow, or other implement or device whereby game a bird or animal could be killed or taken.

~~Any person violating this section shall be guilty of a simple misdemeanor.~~

Sec. 35. Section 109.98, Code 1987, is amended to read as follows:

109.98 REPORTING VIOLATIONS.

~~It shall be the duty of each~~ Each fur dealer to shall report to the commission, the name of any person if known to such the dealer, who attempts to sell any skins or hides which appear to have been unlawfully taken, or possessed by said that person.

Sec. 36. Section 109.120, Code 1987, is amended to read as follows:

109.120 HUNTING FROM AIRCRAFT OR SNOWMOBILES PROHIBITED.

~~It shall be unlawful for any~~ A person to, either singly or as one of a group of persons, shall not intentionally kill or wound, attempt to kill or wound, or pursue any animal, fowl, or fish from or with an aircraft in flight or from or with any self-propelled vehicles designed for travel on snow or ice which utilize sled type runners, or skis, or an endless belt tread, or wheel or any combination thereof and which are commonly known as snowmobiles. Any person who violates the provisions of this section shall be guilty of a simple misdemeanor.

Sec. 37. Section 109.122, Code 1987, is amended to read as follows:

109.122 DEER HUNTERS' ORANGE APPAREL.

~~It shall be unlawful for any~~ A person to shall not hunt deer with firearms unless the person is at the time wearing one or more of the following articles of visible, external apparel: Vest A vest, coat, jacket, sweatshirt, sweater, shirt or coveralls, hat or cap, the color of which shall be solid blaze orange and shall provide an iridescent effect.

Sec. 38. Section 109.123, Code 1987, is amended to read as follows:

109.123 PROHIBITED HUNTING NEAR BUILDINGS.

A person shall not hunt discharge a firearm at any game or fur-bearing animal within two hundred yards of any a building inhabited by people or domestic livestock unless the owner or tenant has given consent.

Sec. 39. Section 109.126, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. All transactions, tags, and specimens left in the custody of the taxidermist by another person shall be open to inspection by a conservation officer at any reasonable hour.

Sec. 40. Section 109.126, subsection 2, Code 1987, is amended to read as follows:

2. A license is required for the practice of taxidermy. The commission, upon application and payment of the required license fee, shall furnish proper certificates to the applicant. The director may revoke the license for good cause.

Sec. 41. Section 109.130, Code 1987, is amended to read as follows:

109.130 DAMAGES IN ADDITION TO PENALTY.

In addition to the penalties for violations of this chapter and chapters 109A, 109B, 111, and 111A, any a person convicted of unlawfully selling, taking, catching, killing, injuring,

destroying, or having in possession any fish, game, or fur-bearing animal, shall reimburse the state for the value of such as follows:

1. For each deer, elk, antelope, buffalo or moose, seven hundred-fifty one thousand dollars.
2. For each wild turkey, two hundred dollars.
3. For each game bird, fur-bearing animal or game animal or the raw pelt or plumage of such game bird or animal for which damages are not otherwise prescribed, twenty-five to fifty dollars.
4. For each fish, five reptile, mussel, or amphibian, fifteen dollars.
5. For each beaver, mink, otter, red fox, gray fox, or raccoon, one two hundred dollars.
6. For each animal classified by the commission as an endangered or threatened species, one thousand dollars.
7. For each deer, seven hundred fifty dollars.

Sec. 42. Section 110.24, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A lessee of a camping space at a campground may fish on a private lake or pond on the premises of the campground without a license if the lease confers an exclusive right to fish in common with the rights of the owner and other lessees.

NEW UNNUMBERED PARAGRAPH. The department may issue a permit, subject to conditions established by the department, which authorizes the patients of a substance abuse facility to fish without a license as a supervised group.

Sec. 43. NEW SECTION. 110.38 LIGHTING BY LAW ENFORCEMENT VEHICLES OF CONSERVATION OFFICER.

The required usage of lighting devices set out in sections 321.384 through 321.409 and section 321.415 does not apply to official law enforcement vehicles operated by conservation officers appointed under section 107.13, while these vehicles are being used in criminal investigations or while attempting to apprehend suspected criminals.

Sec. 44. Section 110A.3, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Pen-reared game birds, as defined in section ~~109.41~~ 109.1, released on licensed area may be taken during the shooting season provided in this chapter but not to exceed eighty percent of the total number of the species of said game birds released. Pen-reared waterfowl, two generations removed from the wild and chukar partridge may be released at any time of year for shooting purposes and one hundred percent may be harvested by shooting. The word "waterfowl" shall be defined as those birds constituting the Anatidae as listed in section ~~109.41~~ 109.1. All birds so released shall be at least twelve weeks of age before liberation date. A minimum of one hundred pen-reared birds of each species to be shot shall be released during the open season. Experimental releases of less than one hundred birds of each species shall require a special permit from the commission department.

Sec. 45. Section 111A.6, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Upon request of the county conservation board, the board of supervisors shall establish a reserve for county conservation land acquisition and capital improvement projects. The board of supervisors may periodically credit an amount of money to the reserve. Moneys credited to the reserve shall remain in the reserve until expended for such the projects upon warrants requisitioned by the county conservation board. The interest earned on moneys received from bequests and donations in the reserve account which are invested pursuant to section 453.1 shall be credited to the reserve account.

Sec. 46. Section 111C.2, subsection 3, Code 1987, is amended to read as follows:

3. "Recreational purpose" means the following or any combination thereof: Hunting, trapping, horseback riding, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycling, nature study, water skiing,

snowmobiling, other summer and winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites while going to and from or actually engaged therein.

Sec. 47. Sections 109.40, 109.41, and 109.43 through 109.46, Code 1987, are repealed.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 395, Seventy-second General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 11, 1988

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TERRY E. BRANSTAD  
Governor