

Sen. Nat. Res  
Amend & possess per amend. 356D 4-5-89 (p. 1200)

FEB 2 1989

HOUSE FILE 198

Place On Calendar

BY COMMITTEE ON NATURAL RESOURCES  
AND OUTDOOR RECREATION

(SUCCESSOR TO HSB 156)

Passed House, Date 3-7-89 (p. 671) Passed Senate, Date 1-10-89 (p. 293)  
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 0

Approved May 22, 1989

Repassed by House 4-25-89 (p. 1869)  
A BILL FOR  
Ayes 97 Nays 0

- 1 An Act relating to the issuance and possession of commercial
- 2 fishing operators' licenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 198

H-3153

- 1 Amend House File 198 as follows:
- 2 1. Page 1, by striking line 12 and inserting the
- 3 following:
- 4 "2. ~~It is lawful for a~~ A commercial fisher to may
- 5 designate a".
- 6 2. Page 1, line 14, by striking the words "or
- 7 all" and inserting the following: "~~or-all~~".

By SPEAR of Lee

H-3153 FILED FEBRUARY 14, 1989  
0400100 3-7-89 (p. 671)

HF 198

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1 Section 1. Section 109B.4, subsection 1, Code 1989, is  
2 amended to read as follows:

3 1. A person shall not use or operate commercial gear  
4 ~~without-possessing~~ unless at least one individual at the site  
5 where the commercial gear is being operated possesses an  
6 appropriate valid commercial license, or a designated  
7 operator's license. A license is valid from the date of issue  
8 to January 10 of the succeeding calendar year ~~for-which-it-was~~  
9 issued.

10 Sec. 2. Section 109B.4, subsection 2, Code 1989, is  
11 amended to read as follows:

3175  
3183  
3184  
12 2. It is lawful for a commercial fisher to designate a  
13 person as a designated operator to lift and to fish with any  
14 or all licensed commercial fishing gear owned by the  
15 commercial fisher. ~~The-commercial-fisher-shall-submit-the~~  
16 ~~names-and-addresses-of-the-persons-to-be-designated-as~~  
17 ~~designated-operators-when-applying-for-a-commercial-fishing~~  
18 ~~license.~~ A commercial fisher shall not have more than five  
19 designated operators. A designated operator shall not lift or  
20 fish any commercial fishing gear without ~~having-first-procured~~  
21 possessing a designated operator's license.

3175  
3184  
22 Sec. 3. Section 109B.11, subsection 1, Code 1989, is  
23 amended by adding the following new lettered paragraph:

24 NEW LETTERED PARAGRAPH. d. A person may assist in the  
25 commercial taking of turtles if an individual possessing a  
26 valid commercial turtle license is in attendance.

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27 Sec. 4. Section 109B.12, subsection 1, Code 1989, is  
28 amended by adding the following new lettered paragraph:

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29 NEW LETTERED PARAGRAPH. d. A person may assist in the  
30 commercial taking of mussels if an individual possessing a  
31 valid commercial mussel license is in attendance.

32 EXPLANATION

33 This bill provides that an individual possessing a valid  
34 commercial fisher or designated operator's license be at each  
35 site where fish, turtles, or mussels are being taken as part

1 of a commercial operation.

2 The bill also removes the requirement to have the name of  
3 the designated operator specified on each designated  
4 operator's license issued to a commercial fisher. The  
5 commercial fisher may issue the designated operator's licenses  
6 which have been obtained from the department (not to exceed  
7 five) to a different employee each day.

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HOUSE FILE 198

S-3560

1 Amend House File 198, as amended and passed by the  
2 House, as follows:

3 1. Page 1, by striking lines 24 through 26 and  
4 inserting the following:

5 "NEW PARAGRAPH. d. An individual possessing a  
6 valid commercial turtle license may have the  
7 assistance of one unlicensed individual in the  
8 commercial taking of turtles."

9 2. Page 1, by striking lines 29 through 31 and  
10 inserting the following:

11 "NEW PARAGRAPH. d. An individual possessing a  
12 valid commercial mussel license may have the  
13 assistance of one unlicensed individual in the  
14 commercial taking of mussels."

By COMMITTEE ON NATURAL RESOURCES  
KENNETH SCOTT, Chairperson

S-3560 FILED APRIL 5, 1989

*Adopted 4-10-89 (p. 1293)*

HOUSE FILE 198

S-3568

1 Amend House File 198, as amended and passed by the  
2 House, as follows:

3 1. Page 1, line 19, by inserting after the word  
4 "operators." the following: "A designated operator's  
5 license shall be assigned to not more than three  
6 operators during a year and a designated operator's  
7 license shall be valid for use only by an operator who  
8 possesses the license and has signed the license. The  
9 signature of any preceding designated operator who  
10 possessed the license shall be crossed out."

11 2. Page 1, line 21, by inserting after the word  
12 "license" the following: "which is signed by the  
13 operator. A designated operator's license which is  
14 not signed by the operator in possession of the  
15 license is forfeited to the state."

By KENNETH SCOTT  
BERL PRIEBE  
H. KAY HEDGE

S-3568 FILED APRIL 6, 1989

*Adopted 4-10-89 (p. 1293)*

SENATE AMENDMENT TO HOUSE FILE 198

H-3975

1 Amend House File 198, as amended and passed by the  
2 House, as follows:

3 1. Page 1, line 19, by inserting after the word  
4 "operators." the following: "A designated operator's  
5 license shall be assigned to not more than three  
6 operators during a year and a designated operator's  
7 license shall be valid for use only by an operator who  
8 possesses the license and has signed the license. The  
9 signature of any preceding designated operator who  
10 possessed the license shall be crossed out."

11 2. Page 1, line 21, by inserting after the word  
12 "license" the following: "which is signed by the  
13 operator. A designated operator's license which is  
14 not signed by the operator in possession of the  
15 license is forfeited to the state."

16 3. Page 1, by striking lines 24 through 26 and  
17 inserting the following:

18 "NEW PARAGRAPH. d. An individual possessing a  
19 valid commercial turtle license may have the  
20 assistance of one unlicensed individual in the  
21 commercial taking of turtles."

22 4. Page 1, by striking lines 29 through 31 and  
23 inserting the following:

24 "NEW PARAGRAPH. d. An individual possessing a  
25 valid commercial mussel license may have the  
26 assistance of one unlicensed individual in the  
27 commercial taking of mussels."

28 5. By renumbering, relettering, or redesignating  
29 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-3975 FILED APRIL 12, 1989

House concurred 4-23-89 (p.1869)

Stuchland. Chair

Taber

Schrader

NSB 15L

NATURAL RESOURCES AND  
OUTDOOR RECREATION

HOUSE FILE 198

BY (PROPOSED DEPARTMENT OF NATURAL  
RESOURCES BILL)

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

A BILL FOR

1 An Act relating to the issuance and possession of commercial  
2 fishing operators' licenses.

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

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1 Section 1. Section 109B.4, subsection 1, Code 1989, is  
2 amended to read as follows:

3 1. A person shall not use or operate commercial gear  
4 without-possessing unless at least one individual at the site  
5 where the commercial gear is being operated possesses an  
6 appropriate valid commercial license, or a designated  
7 operator's license. A license is valid from the date of issue  
8 to January 10 of the succeeding calendar year after the  
9 calendar year for which it was issued.

10 Sec. 2. Section 109B.4, subsection 2, Code 1989, is  
11 amended to read as follows:

12 2. It is lawful for a commercial fisher to designate a  
13 person as a designated operator to lift and to fish with any  
14 or all licensed commercial fishing gear owned by the  
15 commercial fisher. ~~The-commercial-fisher-shall-submit-the~~  
16 ~~names-and-addresses-of-the-persons-to-be-designated-as~~  
17 ~~designated-operators-when-applying-for-a-commercial-fishing~~  
18 ~~license.~~ A commercial fisher shall not have more than five  
19 designated operators. A designated operator shall not lift or  
20 fish any commercial fishing gear without ~~having-first-procured~~  
21 possessing a designated operator's license.

22 Sec. 3. Section 109B.11, subsection 1, Code 1989, is  
23 amended by adding the following new lettered paragraph:

24 NEW LETTERED PARAGRAPH. d. A person may assist in the  
25 commercial taking of turtles if an individual possessing a  
26 valid commercial turtle license is in attendance.

27 Sec. 4. Section 109B.12, subsection 1, Code 1989, is  
28 amended by adding the following new lettered paragraph:

29 NEW LETTERED PARAGRAPH. d. A person may assist in the  
30 commercial taking of mussels if an individual possessing a  
31 valid commercial mussel license is in attendance.

32 EXPLANATION

33 This bill provides that an individual possessing a valid  
34 commercial fisher or designated operator's license be at each  
35 site where fish, turtles, or mussels are being taken as part

1 of a commercial operation.

2 The bill also removes the requirement to have the name of  
3 the designated operator specified on each designated  
4 operator's license issued to a commercial fisher. The  
5 commercial fisher may issue the designated operator's licenses  
6 which have been obtained from the department (not to exceed  
7 five) to a different employee each day.

8 BACKGROUND STATEMENT

9 SUBMITTED BY THE AGENCY

10 Sections 1, 3, and 4 require that an individual possessing  
11 a valid commercial fisher or helper license be at each site  
12 where fish, turtles, or mussels are being taken as part of a  
13 commercial operation.

14 Section 2 removes the requirement to have the name of the  
15 designated operator specified on each designated operator's  
16 license issued to a commercial fisher. As a result, each  
17 commercial fisher may obtain up to five designated operators  
18 licenses for use by the fisher's employees and the fisher may  
19 issue those licenses to differing employees each day.  
20 However, the designated operator must be in possession of a  
21 designated operator's license when lifting or using any  
22 commercial fishing gear.

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HOUSE FILE 198

AN ACT  
RELATING TO THE ISSUANCE AND POSSESSION OF COMMERCIAL FISHING  
OPERATORS' LICENSES.

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

Section 1. Section 109B.4, subsection 1, Code 1989, is amended to read as follows:

1. A person shall not use or operate commercial gear ~~without possessing unless at least one individual at the site where the commercial gear is being operated possesses an appropriate valid commercial license, or a designated operator's license.~~ A license is valid from the date of issue to January 10 of the succeeding calendar year ~~for which it was issued.~~

Sec. 2. Section 109B.4, subsection 2, Code 1989, is amended to read as follows:

2. ~~It is lawful for a~~ A commercial fisher to ~~may~~ designate a person as a designated operator to lift and to fish with any ~~or all~~ licensed commercial fishing gear owned by the commercial fisher. ~~The commercial fisher shall submit the names and addresses of the persons to be designated as designated operators when applying for a commercial fishing license.~~ A commercial fisher shall not have more than five designated operators. A designated operator's license shall be assigned to not more than three operators during a year and a designated operator's license shall be valid for use only by an operator who possesses the license and has signed the license. The signature of any preceding designated operator who possessed the license shall be crossed out. A designated operator shall not lift or fish any commercial fishing gear ~~without having first procured possessing~~ a designated operator's license ~~which is signed by the operator.~~ A designated operator's license which is not signed by the operator in possession of the license is forfeited to the

state.

Sec. 3. Section 109B.11, subsection 1, Code 1989, is amended by adding the following new lettered paragraph:

NEW PARAGRAPH. d. An individual possessing a valid commercial turtle license may have the assistance of one unlicensed individual in the commercial taking of turtles.

Sec. 4. Section 109B.12, subsection 1, Code 1989, is amended by adding the following new lettered paragraph:

NEW PARAGRAPH. d. An individual possessing a valid commercial mussel license may have the assistance of one unlicensed individual in the commercial taking of mussels.

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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 198, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 22, 1989

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TERRY E. BRANSTAD  
Governor