

*Native Resources
Amended for 5016 + Do Pass 1/25 (p. 239)*

JAN 17 1990

Place On Calendar

HOUSE FILE 2114
BY COMMITTEE ON NATURAL
RESOURCES AND OUTDOOR
RECREATION

(Successor to HSB 524)

Passed House, Date 1/22/90 (p. 136) Passed Senate, Date 1/30/90 (p. 284)
Vote: Ayes 89 Nays 3 Vote: Ayes 45 Nays 0

Approved February 9, 1990 (p. 363)

*House amended, concurred in passage 2/2 (p. 280) Motion to reconsider (p. 286)
93-2 Withdrawn 2/1/90 (p. 315)
Repasse Senate as further amended by House
2-5-90 (p. 343)
45-2*

A BILL FOR

1 An Act removing certain limitations on the issuance of
2 nonresident deer hunting licenses and wild turkey hunting
3 licenses and on the use of license revenues and providing an
4 effective date.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

HF 2114

50227

1 Section 1. Section 110.7, subsection 3, Code Supplement
2 1989, is amended to read as follows:

5-50244

5-50165

5021

3 3. A nonresident hunting wild turkey hunter is required to
4 have only a nonresident wild turkey hunting license and a
5 wildlife habitat stamp. ~~The commission shall limit to five~~
6 ~~hundred licenses the number of nonresidents allowed to have~~
7 ~~wild turkey hunting licenses for the year 1989 and establish~~
8 ~~application procedures. For subsequent years, the~~ The number
9 of nonresident wild turkey hunting licenses shall be
10 determined as provided in section 109.38. The commission
11 shall allocate the nonresident wild turkey hunting licenses
12 issued among the zones based on the populations of wild
13 turkey, ~~but nonresident wild turkey hunting licenses shall not~~
14 ~~be issued for a zone that has an estimated wild turkey~~
15 ~~population of less than one hundred ten percent of the minimum~~
16 ~~population required for a biological balance to exist. The~~
17 ~~hunting zones for wild turkey shall be the same as for deer.~~
18 A nonresident applying for a wild turkey hunting license must
19 exhibit proof of having successfully completed a hunter safety
20 and ethics education program as provided in section 110.27 or
21 its equivalent as determined by the department before the
22 license is issued.

5-502426

5016

5021

23 Sec. 2. Section 110.8, subsection 3, Code Supplement 1989,
24 is amended to read as follows:
25 3. A nonresident hunting deer hunter is required to have
26 only a nonresident deer license and a wildlife habitat stamp.
27 ~~The commission shall limit to one thousand licenses the number~~
28 ~~of nonresidents allowed to have deer hunting licenses for the~~
29 ~~year 1989 and establish application procedures. For~~
30 ~~subsequent years, the~~ The number of nonresident deer hunting
31 licenses shall be determined as provided in section 109.38.
32 The commission shall allocate the nonresident deer hunting
33 licenses issued among the zones based on the populations of
34 deer, ~~but nonresident deer hunting licenses shall not be~~
35 ~~issued for a zone that has an estimated deer population of~~

1 less-than-one-hundred-ten-percent-of-the-minimum-population
2 required-for-a-biological-balance-to-exist. A nonresident
3 applying for a deer hunting license must exhibit proof of
4 having successfully completed a hunter safety and ethics
5 education program as provided in section 110.27 or its
6 equivalent as determined by the department before the license
7 is issued.

S-5016
S-5021
S-5022

8 Sec. 3. Sections 110.28 and 110.29, Code Supplement 1989,
9 are repealed.

10 Sec. 4. EFFECTIVE DATE.

11 This Act, being deemed of immediate importance, is
12 effective upon enactment.

13 EXPLANATION

14 This bill removes the limitations on the number of
15 nonresident deer hunting licenses and nonresident wild turkey
16 hunting licenses except as determined by the natural resource
17 commission as provided by law. The bill also removes the
18 limitations on issuing nonresident licenses for hunting in
19 zones where the estimated deer or wild turkey populations are
20 below 110 percent of the minimum population required for a
21 biological balance.

22 The reciprocity requirement for deer and wild turkey
23 licenses and the dedicated use of the license revenues to
24 employ new conservation officers are repealed.

25 This bill takes effect upon enactment.

26
27
28
29
30
31
32
33
34
35

**HOUSE FILE 2114
FISCAL NOTE**

A fiscal note for **HOUSE FILE 2114** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2114 changes certain provisions of House File 88, which was passed by the 1989 Session. H.F. 2114 removes the annual non-resident deer and turkey license sales cap of 1,000 and 500 licenses respectively. The bill also removes language that limits hunters who are non-residents to only those zones of the state that have a deer or turkey population of greater than 110% of the biological balance. The bill also repeals the requirement that the Department of Natural Resources (DNR) use income from the sale of non-resident deer and turkey license sales to employ additional Conservation Officers.

In an opinion issued last summer, the Attorney General stated that H.F. 88 allowed deer and turkey hunting by non-residents during calendar year 1989, but the "110% of biological balance" provision would preclude the issuance of licenses in calendar year 1990.

Assumptions

1. 500 spring turkey licenses will be sold (\$50 each).
2. 200 fall turkey licenses will be sold (\$50 each).
3. 1200 fall deer licenses will be sold (\$100 each).
4. Law change is effective by February 1, 1990.
5. As provided in current law, each license issued also requires a \$5 Habitat Stamp.

Fiscal Effect

For FY 1990, the sale of 500 non-resident turkey licenses will generate \$25,000 general license revenue for the Fish and Game Protection Fund and \$2,500 for the Habitat Stamp portion of the same fund. General license revenue can be used for any purpose related to the fish and wildlife activities of the DNR, while Habitat Stamp funds must be used for habitat purchase.

For FY 1991 and after, 200 fall and 500 spring turkey and 1,200 deer license sales will generate \$155,000 in general license revenue and \$9,500 in Habitat Stamp revenue.

If the bill is passed and becomes effective after February 1, 1990, there will be no spring turkey season in FY 1990, and therefore, no fiscal impact in that year.
(LSB 7230hv.2, JWR)

FILED JANUARY 22, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2114

S-5042

1 Amend the Senate amendment, H-5075, to House File
2 2114, as passed by the House, as follows:

3 1. Page 1, line 5, by striking the word "five"
4 and inserting the following: "five six".

5 2. Page 1, line 12, by inserting after the word
6 "thousand" the following: "two hundred".

RECEIVED FROM THE HOUSE

S-5042 FILED FEBRUARY 5, 1990
CONCURRED (p. 545)

SENATE AMENDMENT TO HOUSE FILE 2114

H-5075

1 Amend House File 2114 as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 5 through 8 and
4 inserting the following: "wildlife habitat stamp.
5077 5 The commission shall annually limit to five hundred
6 licenses the number of nonresidents allowed to have
7 wild turkey hunting licenses ~~for the year 1989 and~~
8 ~~establish application procedures. For subsequent~~
9 ~~years, the~~ The number".

10 2. Page 1, by striking lines 27 through 29 and
11 inserting the following: "The commission shall
5077 12 annually limit to one thousand licenses the number of
13 nonresidents allowed to have deer hunting licenses ~~for~~
14 ~~the year 1989 and establish application procedures.~~
15 ~~For~~".

16 3. Page 2, by inserting after line 7 the
17 following:

18 "Sec. ____ . NEW SECTION. 110.30 USE OF
19 NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE FEES.

20 The revenue received from the nonresident deer and
21 wild turkey hunting license fees shall be used to
22 employ and maintain as many additional full-time
23 conservation officers as can be employed with the
24 revenues received.

25 Sec. ____ . CONSERVATION OFFICERS.

26 Notwithstanding the limitation on full-time
27 equivalent positions in 1989 Iowa Acts, chapter 311,
28 section 6, the department shall use the revenues
29 received from the nonresident deer and wild turkey
30 hunting license fees pursuant to 1989 Iowa Acts,
31 chapter 237, to employ as many new full-time
32 conservation officers as can be employed with the
33 revenues received. The new officers shall be employed
34 as soon as possible after the effective date of this
35 Act."

36 4. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5075 FILED FEBRUARY 2, 1990

CONCURRED AS AMENDED (y 5075, p 279)

HOUSE FILE 2114

H-5077

1 Amend the Senate amendment, H-5075, to House File
2 2114, as passed by the House, as follows:

3 1. Page 1, line 5, by striking the word "five"
4 and inserting the following: "five six".

5 2. Page 1, line 12, by inserting after the word
6 "thousand" the following: "two hundred".

By BLACK of Jasper

H-5077 FILED FEBRUARY 2, 1990

ADOPTED (y 5077)

HOUSE FILE 2114

5022

Amend House File 2114, as passed by the House, as follows:

- 1. Page 1, by inserting before line 1 the following:
 - "Sec. ____ . Section 110.1, subsection 2, paragraphs b, c, e, and f, Code Supplement 1989, are amended to read as follows:
 - b. Deer hunting license for residents \$ ~~20.00~~ 25.00
 - c. Wild turkey hunting license for residents .. \$ ~~20.00~~ 25.00
 - e. Deer hunting license for nonresidents \$ ~~100.00~~ 105.00
 - f. Wild turkey hunting license for nonresidents, minimum fee \$ ~~50.00~~ 55.00".

2. Page 2, by inserting after line 7, the following:

"Sec. ____ . NEW SECTION. 110.8A REFUND STICKER. The department shall attach to each deer and wild turkey license issued a sticker which may be redeemed by the owner or tenant of the land on which a deer or wild turkey is taken. The landowner or tenant may redeem the sticker which has a value of five dollars from the department. The sticker redemptions shall be paid from the state fish and game protection fund."

By BERL PRIEBE

S-5022 FILED JANUARY 29, 1990

2/10 1/30 (g 282)

HOUSE FILE 2114

S-5024

Amend House File 2114 as passed by the House as follows:

- 1. Page 1, by striking line 4 and inserting the following: "have only a nonresident hunting license and a nonresident wild turkey hunting license and a".
- 2. Page 1, by striking line 26 and inserting the following: "only a nonresident hunting license and a nonresident deer license and a wildlife habitat stamp.".

By JOE WELSH

S-5024 FILED JANUARY 29, 1990

2/10 1/30 (g 282)

HOUSE FILE 2114

S-5021

1 Amend House File 2114 as follows:

2 1. Page 1, by striking lines 5 through 8 and
3 inserting the following: "wildlife habitat stamp.
4 The commission shall annually limit to five hundred
5 licenses the number of nonresidents allowed to have
6 wild turkey hunting licenses ~~for-the-year-1989-and~~
7 ~~establish-application-procedures. For-subsequent~~
8 ~~years,-the~~ The number".

9 2. Page 1, by striking lines 27 through 29 and
10 inserting the following: "The commission shall
11 annually limit to one thousand licenses the number of
12 nonresidents allowed to have deer hunting licenses for
13 ~~the-year-1989-and-establish-application-procedures.~~
14 ~~For~~".

15 3. Page 2, by inserting after line 7 the
16 following:

17 "Sec. ____ . NEW SECTION. 110.30 USE OF
18 NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE FEES.

19 The revenue received from the nonresident deer and
20 wild turkey hunting license fees shall be used to
21 employ and maintain additional full-time conservation
22 officers. The department shall use the revenues to
23 employ additional new full-time conservation officers
24 until there is at least one full-time conservation
25 officer assigned to each county.

26 Sec. ____ . CONSERVATION OFFICERS.

27 Notwithstanding the limitation on full-time
28 equivalent positions in 1989 Iowa Acts, chapter 311,
29 section 6, the department shall use the additional
30 revenues received from the nonresident deer and wild
31 turkey hunting license fees pursuant to 1989 Iowa
32 Acts, chapter 237, to employ as many new full-time
33 conservation officers as can be employed with the
34 revenues received. The new officers shall be employed
35 as soon as possible after the effective date of this
36 Act."

37 4. By renumbering as necessary.

By BERL PRIEBE

S-5021 FILED JANUARY 29, 1990

WITHDRAWN (p. 251)

HOUSE FILE 2114

S-5016

1 Amend House File 2114 as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 5 through 8 and
4 inserting the following: "wildlife habitat stamp.
5 The commission shall annually limit to five hundred
6 licenses the number of nonresidents allowed to have
7 wild turkey hunting licenses ~~for the year 1989 and~~
8 ~~establish application procedures.~~ For subsequent
9 years, ~~the~~ The number".

10 2. Page 1, by striking lines 27 through 29 and
11 inserting the following: "The commission shall
12 annually limit to one thousand licenses the number of
13 nonresidents allowed to have deer hunting licenses ~~for~~
14 ~~the year 1989 and establish application procedures.~~
15 ~~For~~".

16 3. Page 2, by inserting after line 7 the
17 following:

18 "Sec. ____ . NEW SECTION. 110.30 USE OF
19 NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE FEES.

20 The revenue received from the nonresident deer and
21 wild turkey hunting license fees shall be used to
22 employ and maintain as many additional full-time
23 conservation officers as can be employed with the
24 revenues received.

25 Sec. ____ . CONSERVATION OFFICERS.

26 Notwithstanding the limitation on full-time
27 equivalent positions in 1989 Iowa Acts, chapter 311,
28 section 6, the department shall use the revenues
29 received from the nonresident deer and wild turkey
30 hunting license fees pursuant to 1989 Iowa Acts,
31 chapter 237, to employ as many new full-time
32 conservation officers as can be employed with the
33 revenues received. The new officers shall be employed
34 as soon as possible after the effective date of this
35 Act."

36 4. By renumbering as necessary.

By COMMITTEE ON NATURAL RESOURCES
KENNETH D. SCOTT, Chairperson

S-5016 FILED JANUARY 25, 1990

A. *Accepted, 1/25/90, 2:15 p.m.*
B. *Recommended & Adopted 1/30/90 (p 283)*

HSB 524

NATURAL RESOURCES AND
OUTDOOR RECREATION

Now

HOUSE FILE 2114

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 removing certain limitations on the issuance of
2 nonresident deer hunting licenses and wild turkey hunting
3 licenses and on the use of license revenues.

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

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 Section 1. Section 110.7, subsection 3, Code Supplement
2 1989, is amended to read as follows:

3 3. A nonresident hunting wild turkey is required to have
4 only a nonresident wild turkey hunting license and a wildlife
5 habitat stamp. ~~The commission shall limit to five hundred~~
6 ~~licenses the number of nonresidents allowed to have wild~~
7 ~~turkey hunting licenses for the year 1989 and establish~~
8 ~~application procedures. For subsequent years, the~~ The number
9 of nonresident wild turkey hunting licenses shall be
10 determined as provided in section 109.38. The commission
11 shall allocate the nonresident wild turkey hunting licenses
12 issued among the zones based on the populations of wild
13 turkey, ~~but nonresident wild turkey hunting licenses shall not~~
14 ~~be issued for a zone that has an estimated wild turkey~~
15 ~~population of less than one hundred ten percent of the minimum~~
16 ~~population required for a biological balance to exist. The~~
17 ~~hunting zones for wild turkey shall be the same as for deer.~~
18 A nonresident applying for a wild turkey hunting license must
19 exhibit proof of having successfully completed a hunter safety
20 and ethics education program as provided in section 110.27 or
21 its equivalent as determined by the department before the
22 license is issued.

23 Sec. 2. Section 110.8, subsection 3, Code Supplement 1989,
24 is amended to read as follows:

25 3. A nonresident hunting deer is required to have only a
26 nonresident deer license and a wildlife habitat stamp. ~~The~~
27 ~~commission shall limit to one thousand licenses the number of~~
28 ~~nonresidents allowed to have deer hunting licenses for the~~
29 ~~year 1989 and establish application procedures. For~~
30 ~~subsequent years, the~~ The number of nonresident deer hunting
31 licenses shall be determined as provided in section 109.38.
32 The commission shall allocate the nonresident deer hunting
33 licenses issued among the zones based on the populations of
34 deer, ~~but nonresident deer hunting licenses shall not be~~
35 ~~issued for a zone that has an estimated deer population of~~

1 ~~less-than-one-hundred-ten-percent-of-the-minimum-population~~
2 ~~required-for-a-biological-balance-to-exist.~~ A nonresident
3 applying for a deer hunting license must exhibit proof of
4 having successfully completed a hunter safety and ethics
5 education program as provided in section 110.27 or its
6 equivalent as determined by the department before the license
7 is issued.

8 Sec. 3. Sections 110.28 and 110.29, Code Supplement 1989,
9 are repealed.

10

EXPLANATION

11 This bill removes the limitations on the number of
12 nonresident deer hunting licenses and nonresident wild turkey
13 hunting licenses which may be issued during the calendar year
14 1989. The bill also removes the limitations on issuing
15 nonresident licenses for hunting in zones where the estimated
16 deer or wild turkey populations are below 110 percent of the
17 minimum population required for a biological balance.

18 The reciprocity requirement for deer and wild turkey
19 licenses and the dedicated use of the license revenues to
20 employ new conservation officers are repealed.

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

HOUSE FILE 2114

AN ACT

REMOVING CERTAIN LIMITATIONS ON THE ISSUANCE OF NONRESIDENT
DEER HUNTING LICENSES AND WILD TURKEY HUNTING LICENSES
AND ON THE USE OF LICENSE REVENUES AND PROVIDING AN
EFFECTIVE DATE.

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

Section 1. Section 110.7, subsection 3, Code Supplement 1989, is amended to read as follows:

3. A nonresident hunting wild turkey hunter is required to have only a nonresident wild turkey hunting license and a wildlife habitat stamp. The commission shall annually limit to five six hundred licenses the number of nonresidents allowed to have wild turkey hunting licenses ~~for-the-year-1989-and-establish application-procedures. For-subsequent-years,~~ the The number of nonresident wild turkey hunting licenses shall be determined as provided in section 109.38. The commission shall allocate the nonresident wild turkey hunting licenses issued among the zones based on the populations of wild turkey ~~but-nonresident-wild-turkey-hunting-licenses shall-not-be-issued-for-a-zone-that-has-an-estimated-wild turkey-population-of-less-than-one-hundred-ten-percent-of-the minimum-population-required-for-a-biological-balance-to-exist. The-hunting-zones-for-wild-turkey-shall-be-the-same-as-for deer.~~ A nonresident applying for a wild turkey hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 110.27 or its equivalent as determined by the department before the license is issued.

Sec. 2. Section 110.8, subsection 3, Code Supplement 1989, is amended to read as follows:

3. A nonresident hunting deer hunter is required to have only a nonresident deer license and a wildlife habitat stamp. The commission shall annually limit to one thousand two hundred licenses the number of nonresidents allowed to have deer hunting licenses ~~for-the-year-1989-and-establish application-procedures. For-subsequent-years,~~ the The number of nonresident deer hunting licenses shall be determined as provided in section 109.38. The commission shall allocate the nonresident deer hunting licenses issued among the zones based on the populations of deer ~~but-nonresident-deer-hunting licenses-shall-not-be-issued-for-a-zone-that-has-an-estimated deer-population-of-less-than-one-hundred-ten-percent-of-the minimum-population-required-for-a-biological-balance-to-exist.~~ A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 110.27 or its equivalent as determined by the department before the license is issued.

Sec. 3. NEW SECTION. 110.30 USE OF NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE FEES.

The revenue received from the nonresident deer and wild turkey hunting license fees shall be used to employ and maintain as many additional full-time conservation officers as can be employed with the revenues received.

Sec. 4. CONSERVATION OFFICERS.

Notwithstanding the limitation on full-time equivalent positions in 1989 Iowa Acts, chapter 311, section 6, the department shall use the revenues received from the nonresident deer and wild turkey hunting license fees pursuant to 1989 Iowa Acts, chapter 237, to employ as many new full-time conservation officers as can be employed with the revenues received. The new officers shall be employed as soon as possible after the effective date of this Act.

Sec. 5. Sections 110.28 and 110.29, Code Supplement 1989, are repealed.

Sec. 6. EFFECTIVE DATE.

This Act, being deemed of immediate importance, is effective upon enactment.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2114, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *Feb. 9* , 1990

TERRY E. BRANSTAD
Governor