

*Reprinted*

JAN 22 1992

MAILED  
H-100

HOUSE FILE 2080  
BY DIEMER

Passed House, Date 3/27/92 (p. 374) Passed Senate, Date 4-1-92 (P. 1133)  
Vote: Ayes 29 Nays 9 Vote: Ayes 37 Nays 10  
Approved April 21, 1992

A BILL FOR

1 An Act to include bats as protected nongame species, and  
2 providing an exception.

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

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HF 2080

1 Section 1. Section 109.42, Code 1991, is amended to read  
2 as follows:

3 109.42 NONGAME PROTECTED.

4 Protected nongame species include wild fish, birds, bats,  
5 reptiles, and amphibians, and a product, egg, or offspring of  
6 them, and a dead body or part of a body. However, nongame  
7 does not include game, fish, fur-bearing animals, turtles, or  
8 frogs, as defined in this chapter. The commission shall  
9 designate by rule those species of nongame which by their  
10 abundance or habits are declared a nuisance, and these species  
11 shall not be protected. Rules adopted shall include, but are  
12 not limited to, a provision that states that any bat, except  
13 for the Indiana bat, which is found within a building that is  
14 occupied by human beings is not a protected nongame species.

15 EXPLANATION

16 This bill adds bats to the list of protected nongame  
17 species. A person may not take, pursue, kill, trap or  
18 ensnare, buy, sell, possess, or transport a protected nongame  
19 species unless the commission provides otherwise by rule. The  
20 rules must include a provision that states that bats, other  
21 than the Indiana bat, found in buildings occupied by humans  
22 are not protected.

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HOUSE FILE 2080

H-5006

- 1 Amend House File 2080, as follows:
- 2 1. Page 1, lines 13 and 14, by striking the words
- 3 "that is occupied by human beings".

By SPEAR of Lee

H-5006 FILED JANUARY 29, 1992

*June 2/27*

HOUSE FILE 2080

H-5036

- 1 Amend House File 2080 as follows:
- 2 1. Page 1, line 4, by inserting before the word
- 3 "birds" the following: "wild".

By SPEAR of Lee

H-5036 FILED FEBRUARY 11, 1992

*w/10 2/27*

HOUSE FILE 2080

H-5037

- 1 Amend House File 2080 as follows:
- 2 1. Page 1, line 4, by striking the words "wild
- 3 fish," and inserting the following: "wild-fish".

By SPEAR of Lee

H-5037 FILED FEBRUARY 11, 1992

*w/15 2/27*

HOUSE FILE 2080

H-5038

- 1 Amend House File 2080 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "beings" the following: ", other than buildings
- 4 occupied by the Joker, Catwoman, and Riddler, or the
- 5 Penguin,".

By BLANSHAN of Greene

H-5038 FILED FEBRUARY 11, 1992

*w/15 2/27*

HOUSE FILE 2080

H-5072

- 1 Amend House File 2080 as follows:
- 2 1. Page 1, line 4, by striking the words "birds,
- 3 bats" and inserting the following: "wild birds, wild
- 4 bats".
- 5 2. Page 1, by striking lines 5 and 6, and
- 6 inserting the following: "wild reptiles, and wild
- 7 amphibians, and-a-product, an egg, or-offspring-of
- 8 them a nest in current use, and a dead body or part of
- 9 a dead body, and a product made from part of a body of
- 10 a wild fish, wild bird, wild bat, wild reptile, or
- 11 wild amphibian. However, nongame".
- 12 3. Page 1, line 7, by inserting after the word
- 13 "fish" the following: "that may be taken pursuant to
- 14 regulations established under the Code or departmental
- 15 rule".

By SPEAR of Lee

H-5072 FILED FEBRUARY 18, 1992

*Adopted by 2/27*

*See Natural Resources 3/2 Do Pass 3/3 (p. 581)*

HOUSE FILE 2080  
BY DIEMER

(As Amended and Passed by the House February 27, 1992)

Passed House, Date 2/27/92 (p. 376) Passed Senate, Date 4-1-92 (p. 1132)  
Vote: Ayes 89 Nays 9 Vote: Ayes 37 Nays 10  
Approved April 21, 1992 (p. 1707)

**A BILL FOR**

1 An Act to include bats as protected nongame species, and  
2 providing an exception.

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

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

1 Section 1. Section 109.42, Code 1991, is amended to read  
2 as follows:

3 109.42 NONGAME PROTECTED.

4 Protected nongame species include wild fish, wild birds,  
5 wild bats, wild reptiles, and wild amphibians, and-a-product,  
6 an egg, or-offspring-of-them a nest in current use, and a dead  
7 body or part of a dead body, and a product made from part of a  
8 body of a wild fish, wild bird, wild bat, wild reptile, or  
9 wild amphibian. However, nongame does not include game, fish  
10 that may be taken pursuant to regulations established under  
11 the Code or departmental rule, fur-bearing animals, turtles,  
12 or frogs, as defined in this chapter. The commission shall  
13 designate by rule those species of nongame which by their  
14 abundance or habits are declared a nuisance, and these species  
15 shall not be protected. Rules adopted shall include, but are  
16 not limited to, a provision that states that any bat, except  
17 for the Indiana bat, which is found within a building that is  
18 occupied by human beings is not a protected nongame species.

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for the Indiana bat, which is found within a building that is occupied by human beings is not a protected nongame species.

HOUSE FILE 2080

AN ACT

TO INCLUDE BATS AS PROTECTED NONGAME SPECIES, AND PROVIDING AN EXCEPTION.

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

Section 1. Section 109.42, Code 1991, is amended to read as follows:

109.42 NONGAME PROTECTED.

Protected nongame species include wild fish, wild birds, wild bats, wild reptiles, and wild amphibians, and a product, an egg, or offspring of them a nest in current use, and a dead body or part of a dead body, and a product made from part of a body of a wild fish, wild bird, wild bat, wild reptile, or wild amphibian. However, nongame does not include game, fish that may be taken pursuant to regulations established under the Code or departmental rule, fur-bearing animals, turtles, or frogs, as defined in this chapter. The commission shall designate by rule those species of nongame which by their abundance or habits are declared a nuisance, and these species shall not be protected. Rules adopted shall include, but are not limited to, a provision that states that any bat, except

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ROBERT C. ARNOULD  
Speaker of the House

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MICHAEL E. GRONSTAL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2080, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 21, 1992

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TERRY E. BRANSTAD  
Governor