

Environment & Public 3/5 (p. 521)
How Natural Resources 3/14 Amend (3487), Do Pass 4/3 (p. 1072)

SENATE FILE 205
BY FRAISE

Passed Senate, Date 3/11/91 (p. 585) Passed House, Date 4/16/91 (p. 1284)
Vote: Ayes 48 Nays 0 Vote: Ayes 99 Nays 0

Approved May 14 1991

Approved Senate Jan 1-3468 4/22/91 (p. 1379)
Apr. 42 Day 1

A BILL FOR

1 An Act relating to residency requirements for commercial mussel
fishers and providing an effective date.

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

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SF 205

1 Section 1. Section 109B.2, subsection 5, Code 1991, is
2 amended to read as follows:

3 5. "Commercial mussel fisher" means ~~a person who is~~
4 ~~licensed to take and sell freshwater mussels from waters of~~
5 ~~the state~~ an individual who has resided in this state for one
6 year preceding the individual's application for a commercial
7 mussel fishing license and who does not claim residency for a
8 commercial mussel fishing license in another state or country.

9 Sec. 2. Section 109B.4, subsection 6, paragraph g, Code
10 1991, is amended to read as follows:

11 g. Commercial mussel ~~resident~~ fisher \$30.00

12 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
13 immediate importance, takes effect upon enactment.

14 EXPLANATION

15 This bill provides a one-year residency requirement for a
16 person to receive a commercial mussel fisher's license. A
17 commercial mussel fisher is also prohibited from claiming
18 residency for a commercial mussel license in another state or
19 country. This Act takes effect upon enactment.

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SENATE FILE 205

-3487

1 Amend Senate File 205, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 3 through 11 and
4 inserting the following:

5 "5. "Commercial mussel fisher" means a person who
6 is licensed to take and sell freshwater mussels from
7 waters of the state. A resident commercial mussel
8 license holder must have resided in this state for one
9 year preceding the person's application for a
10 commercial mussel fishing license.

11 Sec. ____ . Section 109B.4, subsection 6, paragraphs
12 g, h, and i, Code 1991, are amended to read as
13 follows:

| | | |
|----|---|-----------------|
| 14 | g. Commercial mussel <u>fisher</u> , resident | \$ 30.00 |
| 15 | | 100.00 |
| 16 | h. Commercial mussel buyer, resident | \$ 300.00 |
| 17 | | 1,000.00 |
| 18 | i. Commercial mussel buyer, nonresident | \$2,500.00 |
| 19 | | <u>5,000.00</u> |

20 Sec. ____ . Section 109B.4, subsection 6, Code 1991,
21 is amended by adding the following new paragraphs:

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|----|--|------------|
| 22 | <u>NEW PARAGRAPH.</u> l. Commercial mussel fisher, nonresident | |
| 23 | | \$2,500.00 |
| 24 | <u>NEW PARAGRAPH.</u> m. Commercial mussel helper, resident | |
| 25 | | \$ 50.00 |
| 26 | <u>NEW PARAGRAPH.</u> n. Commercial mussel helper, | |
| 27 | nonresident..... | \$ 200.00 |

28 Sec. ____ . Section 109B.12, subsection 1, paragraph
29 d, Code 1991, is amended by striking the paragraph and
30 inserting in lieu thereof the following:

31 d. A commercial mussel helper license is required
32 to assist commercial mussel fishers in the possessing,
33 processing, or transporting of commercial freshwater
34 mussels. The taking or sale of mussels or shells is
35 not permitted with a commercial mussel helper license.

36 Sec. ____ . Section 109B.13, subsection 1, Code
37 1991, is amended to read as follows:

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

43 Sec. ____ . Section 109B.13, subsection 3, Code
44 1991, is amended by striking the subsection.

45 Sec. ____ . Section 109B.14, Code 1991, is amended
46 to read as follows:

47 109B.14 REPORTS REQUIRED.

48 All commercial fishers, commercial turtle fishers,
49 and commercial mussel fishers, and commercial mussel
50 buyers shall submit a monthly report supplying all

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1 information requested on forms furnished by the
2 commission. Reports must be received by the
3 commission no later than the fifteenth day of the
4 following month.

5 Sec. ____ . APPLICABILITY.

6 1. The new fees established in this Act are
7 applicable to licenses applied for on or after the
8 effective date of this Act.

9 2. The residency requirement established in this
10 Act is applicable to licenses applied for on or after
11 the effective date of this Act."

12 2. Title page, by striking line 2 and inserting
13 the following: "fishers and providing effective and
14 applicability dates".

15 3. By renumbering sections as required.

By COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION
BLACK of Jasper, Chairperson

H-3487 FILED APRIL 3, 1991

(Adopted 4/10/91 by 1284)

SENATE FILE 205

H-3244

1 Amend Senate File 205, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 3 through 8 and
4 inserting the following:

5 "5. "Commercial mussel fisher" means a person
6 is a resident of this state and holds a license
7 to take and sell freshwater mussels from waters of the
8 state. A commercial mussel license holder must have
9 resided in this state for one year preceding the
10 person's application for a commercial mussel fishing
11 license and does not claim residency for a commercial
12 mussel fishing license in another state or country."

By SPEAR of Lee

H-3244 FILED MARCH 15, 1991

Black of Lee

HOUSE AMENDMENT TO
SENATE FILE 205

S-3468

1 Amend Senate File 205, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 3 through 11 and
4 inserting the following:

5 "5. "Commercial mussel fisher" means a person who
6 is licensed to take and sell freshwater mussels from
7 waters of the state. A resident commercial mussel
8 license holder must have resided in this state for one
9 year preceding the person's application for a
10 commercial mussel fishing license.

11 Sec. ____ . Section 109B.4, subsection 6, paragraphs
12 g, h, and i, Code 1991, are amended to read as
13 follows:

| | | |
|----|---|------------|
| 14 | g. Commercial mussel <u>fisher</u> , resident | \$ 30=00 |
| 15 | | 100.00 |
| 16 | h. Commercial mussel buyer, resident | \$ 300=00 |
| 17 | | 1,000.00 |
| 18 | i. Commercial mussel buyer, nonresident | \$2,500=00 |
| 19 | | 5,000.00 |

20 Sec. ____ . Section 109B.4, subsection 6, Code 1991,
21 is amended by adding the following new paragraphs:

| | | |
|----|--|------------|
| 22 | <u>NEW PARAGRAPH.</u> l. Commercial mussel fisher, nonresident | |
| 23 | | \$2,500.00 |
| 24 | <u>NEW PARAGRAPH.</u> m. Commercial mussel helper, resident | |
| 25 | | \$ 50.00 |
| 26 | <u>NEW PARAGRAPH.</u> p. Commercial mussel helper, | |
| 27 | nonresident..... | \$ 200.00 |

28 Sec. ____ . Section 109B.12, subsection 1, paragraph
29 d, Code 1991, is amended by striking the paragraph and
30 inserting in lieu thereof the following:

31 d. A commercial mussel helper license is required
32 to assist commercial mussel fishers in the possessing,
33 processing, or transporting of commercial freshwater
34 mussels. The taking or sale of mussels or shells is
35 not permitted with a commercial mussel helper license.

36 Sec. ____ . Section 109B.13, subsection 1, Code
37 1991, is amended to read as follows:

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

43 Sec. ____ . Section 109B.13, subsection 3, Code
44 1991, is amended by striking the subsection.

45 Sec. ____ . Section 109B.14, Code 1991, is amended
46 to read as follows:

47 109B.14 REPORTS REQUIRED.

48 All commercial fishers, commercial turtle fishers,
49 and commercial mussel fishers, and commercial mussel
50 buyers shall submit a monthly report supplying all

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Page 2

1 information requested on forms furnished by the
2 commission. Reports must be received by the
3 commission no later than the fifteenth day of the
4 following month.

5 Sec. ____ . APPLICABILITY.

6 1. The new fees established in this Act are
7 applicable to licenses applied for on or after the
8 effective date of this Act.

9 2. The residency requirement established in this
10 Act is applicable to licenses applied for on or after
11 the effective date of this Act."

12 2. Title page, by striking line 2 and inserting
13 the following: "fishers and providing effective and
14 applicability dates".

15 3. By renumbering sections as required.

RECEIVED FROM THE HOUSE

S-3468 FILED APRIL 18, 1991

Senate concurred 4/22/91 (p. 1399)

SENATE FILE 205

AN ACT

RELATING TO RESIDENCY REQUIREMENTS FOR COMMERCIAL MUSSEL FISHERS AND PROVIDING EFFECTIVE AND APPLICABILITY DATES.

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

Section 1. Section 109B.2, subsection 5, Code 1991, is amended to read as follows:

5. "Commercial mussel fisher" means a person who is licensed to take and sell freshwater mussels from waters of the state. A resident commercial mussel license holder must have resided in this state for one year preceding the person's application for a commercial mussel fishing license.

Sec. 2. Section 109B.4, subsection 6, paragraphs g, h, and i, Code 1991, are amended to read as follows:

- g. Commercial mussel fisher, resident \$ 30-00
100.00
- h. Commercial mussel buyer, resident \$ 300-00
1,000.00
- i. Commercial mussel buyer, nonresident \$2,500-00
5,000.00

Sec. 3. Section 109B.4, subsection 6, Code 1991, is amended by adding the following new paragraphs:

- NEW PARAGRAPH. l. Commercial mussel fisher, nonresident \$2,500.00
- NEW PARAGRAPH. m. Commercial mussel helper, resident \$ 50.00
- NEW PARAGRAPH. n. Commercial mussel helper, nonresident \$ 200.00

Sec. 4. Section 109B.12, subsection 1, paragraph d, Code 1991, is amended by striking the paragraph and inserting in lieu thereof the following:

d. A commercial mussel helper license is required to assist commercial mussel fishers in the possessing, processing, or transporting of commercial freshwater mussels. The taking or sale of mussels or shells is not permitted with a commercial mussel helper license.

Sec. 5. Section 109B.13, subsection 1, Code 1991, is amended to read as follows:

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

Sec. 6. Section 109B.13, subsection 3, Code 1991, is amended by striking the subsection.

Sec. 7. Section 109B.14, Code 1991, is amended to read as follows:

109B.14 REPORTS REQUIRED.

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

Sec. 8. APPLICABILITY.

- 1. The new fees established in this Act are applicable to licenses applied for on or after the effective date of this Act.
- 2. The residency requirement established in this Act is applicable to licenses applied for on or after the effective date of this Act.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 205, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 14, 1991

TERRY E. BRANSTAD
Governor