

MAR 2 1993

Place On Calendar

HOUSE FILE 346

BY COMMITTEE ON NATURAL RESOURCES
AND OUTDOOR RECREATION

Substituted for SF 242 3/29/93
(SUCCESSOR TO HSB 127)

Passed House, Date ^(p.511) 3/5/93 Passed Senate, ^(p.857) Date 3/29/93
Vote: Ayes 97 Nays 0 Vote: Ayes 47 Nays 0
Approved April 5, 1993

A BILL FOR

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

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HF 346

1 Section 1. Section 481A.42, Code 1993, is amended to read
2 as follows:

3 481A.42 NONGAME PROTECTED -- EXCLUSION.

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

19 EXPLANATION

20 This bill amends section 481A.42 to protect the nests of
21 protected nongame species in compliance with federal law.
22 Determining whether or not a nest is "in current use" is
23 difficult. Striking the phrase "in current use" removes a
24 potential ambiguity which may place persons at risk of
25 unintentionally violating federal law.

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Royer, Chair

Brauns

O'Brien

HSB 127

NATURAL RESOURCES AND
OUTDOOR RECREATION

HOUSE FILE 346

BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
OUTDOOR RECREATION BILL
BY CHAIRPERSON KISTLER)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

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HOUSE FILE 346

AN ACT

RELATING TO THE PROTECTION OF NONGAME SPECIES.

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

Section 1. Section 481A.42, Code 1993, is amended to read as follows:

481A.42 NONGAME PROTECTED -- EXCLUSION.

Protected nongame species include wild fish, wild birds, wild bats, wild reptiles, and wild amphibians, an egg, a nest in-current-use, 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 for the Indiana bat, which is

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 346, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 5*, 1993

TERRY E. BRANSTAD
Governor