

Reprinted

MAR 13 1995

Place On Calendar

HOUSE FILE

405

BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 152)

Passed House, Date 3-29-95

Passed Senate, Date _____

Vote: Ayes 97 Nays 0

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the powers and duties of the department of
 2 natural resources by authorizing distinguishing license plates
 3 to vehicles assigned to the department of natural resources,
 4 by amending procedures for granting easements and leases by
 5 the natural resource commission, by amending procedures for
 6 issuing and establishing fees for scientific collector's
 7 licenses or permits, by authorizing the use of certain revenue
 8 to repay loans related to sewage collection and treatment
 9 plants in state parks and recreation areas, by providing a
 10 definition of resident for hunting, fishing, trapping, or
 11 taking protected species of animals, and by providing for
 12 penalties and other related matters.

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

14

15

HOUSE FILE 405

16

H-3354

17

1 Amend House File 405 as follows:

18

2 1. Title page, line 4, by striking the words "and
3 leases".

19

By BRAUNS of Muscatine

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H-3354 FILED MARCH 20, 1995

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Adopted 3/29/95 (P 1042)

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HF 405

DIVISION I

1
2 Section 1. Section 321.19, subsection 1, unnumbered
3 paragraph 2, Code 1995, is amended to read as follows:
4 The department shall furnish, on application, free of
5 charge, distinguishing plates for vehicles thus exempted,
6 which plates except plates on Iowa highway safety patrol
7 vehicles shall bear the word "official" and the department
8 shall keep a separate record. Registration plates issued for
9 Iowa highway safety patrol vehicles, except unmarked patrol
10 vehicles, shall bear two red stars on a yellow background, one
11 before and one following the registration number on the plate,
12 which registration number shall be the officer's badge number.
13 Registration plates issued for a county sheriff's patrol
14 vehicles shall display one seven-pointed gold star on a green
15 background followed by the letter "S" and the call number of
16 the vehicle. Registration plates issued for the department of
17 natural resources vehicles shall be the special distinguishing
18 plates authorized in section 321.34, subsection 17. However,
19 the director of general services or the director of
20 transportation may order the issuance of regular registration
21 plates for any exempted vehicle used by peace officers in the
22 enforcement of the law, persons enforcing chapter 124 and
23 other laws relating to controlled substances, persons in the
24 department of justice who are regularly assigned to conduct
25 investigations which cannot reasonably be conducted with a
26 vehicle displaying "official" state registration plates, and
27 persons in the lottery division of the department of revenue
28 and finance whose regularly assigned duties relating to
29 security or the carrying of lottery tickets cannot reasonably
30 be conducted with a vehicle displaying "official" registration
31 plates. For purposes of sale of exempted vehicles, the
32 exempted governmental body, upon the sale of the exempted
33 vehicle, may issue for in-transit purposes a pasteboard card
34 bearing the words "Vehicle in Transit", the name of the
35 official body from which the vehicle was purchased, together

1 with the date of the purchase plainly marked in at least one-
2 inch letters, and other information required by the
3 department. The in-transit card is valid for use only within
4 forty-eight hours after the purchase date as indicated on the
5 bill of sale which shall be carried by the driver.

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DIVISION II

7 Sec. 2. Section 455B.291, subsection 4, Code 1995, is
8 amended to read as follows:

9 4. "Municipality" means ~~the~~ a city, county, sanitary
10 district, state agency, or other governmental body or
11 corporation empowered to provide sewage collection and
12 treatment services, or any combination of two or more of such
13 the governmental bodies or corporations acting jointly, in
14 connection with a project.

15 Sec. 3. Section 456A.17, Code 1995, is amended by adding
16 the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. The department may apply for a
18 loan for the construction of facilities for the collection and
19 treatment of waste water under the state sewage treatment
20 works financing program as established in sections 455B.291
21 through 455B.299. In order to provide for the repayment of a
22 loan granted under the financing program, the commission may
23 impose a lien on not more than ten percent of the annual
24 revenues from user fees and related revenue derived from park
25 and recreation areas under chapter 461A which are deposited in
26 the state conservation fund. If a lien is established as
27 provided in this paragraph, repayment of the loan is the first
28 priority on the revenues received and dedicated for the loan
29 repayment each year.

30

DIVISION III

31 Sec. 4. Section 461A.25, Code 1995, is amended by adding
32 the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules
34 providing for the granting of easements to political
35 subdivisions and utility companies. The applicant for an

1 easement shall provide the director with information
2 specifying the need for the easement, availability of
3 alternatives, and measures proposed to prevent or minimize
4 adverse impacts on the affected property. The director shall
5 execute the easement which shall be approved as to form by the
6 attorney general and, if granted for a term longer than five
7 years, shall be approved by the commission.

8 DIVISION IV

9 Sec. 5. Section 481A.65, Code 1995, is amended to read as
10 follows:

11 481A.65 LICENSES.

12 The director may, after investigation, may issue to any
13 person a scientific collector's license, a wildlife salvage
14 permit, educational project permit, or a wildlife
15 rehabilitation permit. A scientific collector's license will
16 authorize the licensee to collect for scientific purposes
17 only, any birds, nests, eggs, or wildlife. A wildlife salvage
18 permit will authorize the permittee to salvage for educational
19 purposes, any birds, nests, eggs, or animals according to the
20 rules of the department. An educational project permit
21 authorizes the permittee to collect, keep, or possess for
22 educational purposes birds, fish or wildlife which are not
23 endangered, threatened or otherwise specially managed
24 according to the rules of the department. A wildlife
25 rehabilitation permit will authorize the permittee to possess
26 for rehabilitation purposes only, any orphaned or injured
27 wildlife according to the rules of the department. A person
28 to whom a license or permit is issued shall not dispose of any
29 birds, nests, eggs, or wildlife or their parts except upon
30 written permission of the director. The application for such
31 licenses and permits shall be made upon blanks furnished by
32 the department. The commission shall establish, by rule, the
33 tenure and applicable fee for each permit authorized in this
34 section. Each holder of a license or permit shall, by January
35 31 of each year, file with the department a report showing all

1 specimens collected or possessed under authority of the
2 license or permit. Upon a showing of cause the department may
3 enter and inspect the premises and collections authorized by
4 this section. A license or permit may be revoked by the
5 director, after due notice, at any time for cause.

6 Sec. 6. Section 483A.1, subsection 6, paragraph a, Code
7 1995, is amended by striking the paragraph.

8 Sec. 7. Section 483A.17, Code 1995, is amended to read as
9 follows:

10 483A.17 TENURE OF LICENSE.

11 Every license, except lifetime hunting and fishing
12 licenses, scientific collecting licenses, and falconry
13 licenses, ~~shall-be~~ are valid from the date issued to January
14 10 of the succeeding calendar year for which it is issued. A
15 license shall not be issued prior to December 15 for the
16 subsequent calendar year.

17 DIVISION V

18 Sec. 8. Section 483A.1A, Code 1995, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 4. "Resident" includes a nonresident
21 person under the age of eighteen years whose noncustodial
22 parent is a resident of this state.

23 EXPLANATION

24 Division I of this bill (section 1) authorizes the issuance
25 of the new natural resources license plates for motor vehicles
26 owned or leased by the department of natural resources.

27 Division II (sections 2 and 3) authorizes the department of
28 natural resources to participate in the state sewage treatment
29 works financing program and provides for the dedication of
30 some fees collected from park and recreation areas to repay
31 loans for waste water treatment projects which are built for
32 state parks and recreation areas.

33 Division III (section 4) establishes procedures for the
34 lease of state-owned property under the jurisdiction of the
35 natural resources commission to political subdivisions and

1 utility companies with approval as to form by the attorney
2 general. Other leases of state property are subject to
3 approval of the executive council.

4 Division IV (sections 5, 6, and 7) provides that the
5 natural resources commission shall establish the tenure and
6 fees for scientific collector's licenses, wildlife salvage
7 permits, educational project permits, and wildlife
8 rehabilitation permits. Currently, the scientific collector's
9 license fees are set by law under section 483A.1, subsection
10 6, and are valid for one year.

11 Division V (section 8) defines "resident" to include a
12 nonresident person under 18 years of age whose noncustodial
13 parent is a resident of the state. This definition relates to
14 the purchase of hunting, fishing, and trapping licenses, and
15 other related permits and stamps at the same rates as
16 residents of the state.

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**HOUSE FILE 405
FISCAL NOTE**

A fiscal note for House File 405 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 405 authorizes the Department of Natural Resources to use distinguishing license plates, changes the procedures for granting easements and leases by the Natural Resources Commission, changes the procedures for issuing and establishing fees for Scientific Collector's licenses or permits, authorizes the use of park revenues to repay loans for sewage collection and treatment plants in state parks and recreation areas, and expands the definition of resident for the purpose of hunting, fishing and trapping licenses.

Assumptions:

1. Special plates will cost \$2.50 each.
2. The Department of Natural Resources owns 495 cars.
3. Average annual park receipts are \$2.0 million.

Fiscal Impact:

Division I of the Bill requires the Department of Natural Resources to use the Resource Enhancement and Protection license plates. The cost for the Department to purchase the plates is approximately \$1,200 in FY 1996. There would be minimal fiscal impact in FY 1997 and thereafter as new vehicles are purchased.

Division II of the Bill allows the Department of Natural Resources to apply for loans for the construction of sewage treatment facilities from the State Sewage Treatment Works Financing Program. The Bill allows a maximum of 10.0% of the park user fees and related park revenues to be set aside for repayment of the loan. Park receipts average approximately \$2.0 million annually, allowing a maximum of \$200,000 annually to be used for loan repayment.

The Department estimates the sewage treatment construction project will cost \$1.0 million. The estimated loan repayment schedule would be \$85,000 per year for 20 years.

Division III of the Bill allows the Natural Resources Commission to grant leases and easements to political subdivisions and utilities without Executive Council approval. Division III will have no significant fiscal impact.

Division IV of the Bill allows the Department of Natural Resources to set Scientific Collector's license fees and tenure by rule. Division IV will have no significant fiscal impact.

Division V of the Bill defines a resident of the State for the purposes of

-2-

hunting, fishing and trapping to include nonresidents under the age of 18 who have a noncustodial parent who is a resident of the State. Division V will have no significant fiscal impact.

The Bill authorizes the Department to expend a maximum of approximately \$200,000 annually from the 10.0% set aside. Based on the cost of improvements to the State parks and recreational areas, the loan repayment cost would be approximately \$85,000 annually for a \$1.0 million improvement project.

Source: Department of Natural Resources
Department of General Services

(LSB 1260hv, DHK)

FILED MARCH 22, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

c-3/20/15 mt. re

HOUSE FILE 405
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 152)

(As Amended and Passed by the House March 29, 1995)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the powers and duties of the department of
2 natural resources by authorizing distinguishing license plates
3 to vehicles assigned to the department of natural resources,
* 4 by amending procedures for granting easements by the natural
5 resource commission, by amending procedures for issuing and
6 establishing fees for scientific collector's licenses or
7 permits, by authorizing the use of certain revenue to repay
8 loans related to sewage collection and treatment plants in
9 state parks and recreation areas, by providing a definition of
10 resident for hunting, fishing, trapping, or taking protected
11 species of animals, and by providing for penalties and other
12 related matters.

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

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Deleted Language *

DIVISION I

1
2 Section 1. Section 321.19, subsection 1, unnumbered
3 paragraph 2, Code 1995, is amended to read as follows:
4 The department shall furnish, on application, free of
5 charge, distinguishing plates for vehicles thus exempted,
6 which plates except plates on Iowa highway safety patrol
7 vehicles shall bear the word "official" and the department
8 shall keep a separate record. Registration plates issued for
9 Iowa highway safety patrol vehicles, except unmarked patrol
10 vehicles, shall bear two red stars on a yellow background, one
11 before and one following the registration number on the plate,
12 which registration number shall be the officer's badge number.
13 Registration plates issued for a county sheriff's patrol
14 vehicles shall display one seven-pointed gold star on a green
15 background followed by the letter "S" and the call number of
16 the vehicle. Registration plates issued for the department of
17 natural resources vehicles shall be the special distinguishing
18 plates authorized in section 321.34, subsection 17. However,
19 the director of general services or the director of
20 transportation may order the issuance of regular registration
21 plates for any exempted vehicle used by peace officers in the
22 enforcement of the law, persons enforcing chapter 124 and
23 other laws relating to controlled substances, persons in the
24 department of justice who are regularly assigned to conduct
25 investigations which cannot reasonably be conducted with a
26 vehicle displaying "official" state registration plates, and
27 persons in the lottery division of the department of revenue
28 and finance whose regularly assigned duties relating to
29 security or the carrying of lottery tickets cannot reasonably
30 be conducted with a vehicle displaying "official" registration
31 plates. For purposes of sale of exempted vehicles, the
32 exempted governmental body, upon the sale of the exempted
33 vehicle, may issue for in-transit purposes a pasteboard card
34 bearing the words "Vehicle in Transit", the name of the
35 official body from which the vehicle was purchased, together

1 with the date of the purchase plainly marked in at least one-
2 inch letters, and other information required by the
3 department. The in-transit card is valid for use only within
4 forty-eight hours after the purchase date as indicated on the
5 bill of sale which shall be carried by the driver.

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DIVISION II

7 Sec. 2. Section 455B.291, subsection 4, Code 1995, is
8 amended to read as follows:

9 4. "Municipality" means the a city, county, sanitary
10 district, state agency, or other governmental body or
11 corporation empowered to provide sewage collection and
12 treatment services, or any combination of two or more of such
13 the governmental bodies or corporations acting jointly, in
14 connection with a project.

15 Sec. 3. Section 456A.17, Code 1995, is amended by adding
16 the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. The department may apply for a
18 loan for the construction of facilities for the collection and
19 treatment of waste water under the state sewage treatment
20 works financing program as established in sections 455B.291
21 through 455B.299. In order to provide for the repayment of a
22 loan granted under the financing program, the commission may
23 impose a lien on not more than ten percent of the annual
24 revenues from user fees and related revenue derived from park
25 and recreation areas under chapter 461A which are deposited in
26 the state conservation fund. If a lien is established as
27 provided in this paragraph, repayment of the loan is the first
28 priority on the revenues received and dedicated for the loan
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DIVISION III

31 Sec. 4. Section 461A.25, Code 1995, is amended by adding
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35 subdivisions and utility companies. The applicant for an

1 easement shall provide the director with information
2 specifying the need for the easement, availability of
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4 adverse impacts on the affected property. The director shall
5 execute the easement which shall be approved as to form by the
6 attorney general and, if granted for a term longer than five
7 years, shall be approved by the commission.

8 DIVISION IV

9 Sec. 5. Section 481A.65, Code 1995, is amended to read as
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13 person a scientific collector's license, a wildlife salvage
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17 only, any birds, nests, eggs, or wildlife. A wildlife salvage
18 permit will authorize the permittee to salvage for educational
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29 birds, nests, eggs, or wildlife or their parts except upon
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32 the department. The commission shall establish, by rule, the
33 tenure and applicable fee for each permit authorized in this
34 section. Each holder of a license or permit shall, by January
35 31 of each year, file with the department a report showing all

1 specimens collected or possessed under authority of the
2 license or permit. Upon a showing of cause the department may
3 enter and inspect the premises and collections authorized by
4 this section. A license or permit may be revoked by the
5 director, after due notice, at any time for cause.

6 Sec. 6. Section 483A.1, subsection 6, paragraph a, Code
7 1995, is amended by striking the paragraph.

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16 subsequent calendar year.

17 DIVISION V

18 Sec. 8. Section 483A.1A, Code 1995, is amended by adding
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21 person under the age of eighteen years whose noncustodial
22 parent is a resident of this state.

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HSB 152

Brauns, Chair
Garman
Mundie

NATURAL RESOURCES

SENATE/HOUSE FILE ^S ~~152~~ 405-
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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29 repayment each year.

30 DIVISION III

31 Sec. 4. Section 461A.25, Code 1995, is amended to read as
32 follows:

33 461A.25 LEASES AND EASEMENTS.

34 1. ~~The commission may recommend that the executive council~~
35 ~~lease shall adopt rules providing for the leasing of property~~

1 under the commission's jurisdiction. All leases shall reserve
2 to the public of the state the right to enter upon the
3 property leased for any lawful purpose. ~~The council may, if~~
4 ~~it approves the recommendation and~~ If the lease ~~to be entered~~
5 ~~into~~ is for five years or less, the director may execute the
6 lease in behalf of the state and commission. If the
7 ~~recommendation is for a~~ lease is in excess of five years, with
8 the exception of agricultural lands specifically dealt with in
9 Article I, section 24 of the Constitution of the State of
10 Iowa, the ~~council~~ director shall advertise for bids. If a bid
11 is accepted, the lease shall be let or executed by the ~~council~~
12 director in accordance with the most desirable bid. The lease
13 shall not be executed for a term longer than fifty years. ~~Any~~
14 ~~such~~ A leasehold interest, including any improvements placed
15 on it, shall be listed on the tax rolls as provided in
16 chapters 428 and 443; assessed and valued as provided in
17 chapter 441; taxes shall be levied on it as provided in
18 chapter 444 and collected as provided in chapter 445; and the
19 leasehold interest is subject to tax sale, redemption, and
20 apportionment of taxes as provided in chapters 446, 447 and
21 448. The lessee shall discharge and pay all taxes.

22 2. The commission shall adopt rules providing for the
23 granting of easements to political subdivisions and utility
24 companies. The applicant for an easement shall provide the
25 director with information specifying the need for the
26 easement, availability of alternatives, and measures proposed
27 to prevent or minimize adverse impacts on the affected
28 property. The director shall execute the easement which shall
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12 EXPLANATION

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14 of the new natural resources license plates for motor vehicles
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16 Division II (sections 2 and 3) authorizes the department of
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18 works financing program and provides for the dedication of
19 some fees collected from park and recreation areas to repay
20 loans for waste water treatment projects which are built for
21 state parks and recreation areas.

22 Division III (section 4) provides for leases of state-owned
23 property under the jurisdiction of the natural resources
24 commission to be granted pursuant to rules adopted by the
25 commission. The bill removes the requirement that leases also
26 be approved by the executive council. The bill also specifies
27 that the commission has authority to approve the granting of
28 easements to political subdivisions and utility companies.

29 Division IV (sections 5, 6, and 7) provides that the
30 natural resources commission shall establish the tenure and
31 fees for scientific collector's licenses, wildlife salvage
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3 parent is a resident of the state. This definition relates to
4 the purchase of hunting, fishing, and trapping licenses, and
5 other related permits and stamps at the same rates as
6 residents of the state.

7 BACKGROUND STATEMENT

8 SUBMITTED BY THE AGENCY

9 Division I -- Special Natural Resources License Plates
10 The display of this license, the only plate of special
11 significance to any state agency, on department of natural
12 resources automobiles and pickups will increase employee
13 morale and public awareness of both the new plate and the
14 departmental vehicles. The success of this new license plate
15 will require extensive exposure if usage is to reach the
16 projected levels.

17 Division II -- Use of Camping Fees to Repay Waste Water
18 Treatment Loans

19 State parks and recreation areas offer numerous
20 recreational opportunities including the possibility of use of
21 camping areas and lodges that also generate the need for waste
22 water treatment. The state is in need of improvements to
23 several facilities and can accomplish the task with the loans
24 that are currently available. In order to secure a loan under
25 the state program, it is necessary to identify specific
26 revenue stream that can be dedicated to the repayment of the
27 loans. Since the use of these facilities by campers puts a
28 load on the treatment works, it is logical to dedicate a
29 portion of the fees that are generated to fund the needed
30 improvements.

31 Division III -- Lease of State-owned Property

32 The department of natural resources often has occasion to
33 enter into leases related to public lands which are in the
34 department's control. With few exceptions, these leases are
35 routine and well within its capability to deal with in

1 consultation with the attorney general. The bill proposes to
2 streamline the current process by eliminating the requirement
3 for the involvement of the executive council. While there may
4 have been historical reasons for the process set in the Code,
5 current practice amounts to an added step that is a burden for
6 both parties and complicates accountability for the leases.
7 The bill also is intended to clarify the authority and
8 procedures by which the department will enter into agreements
9 for easements with political subdivisions and utilities.

10 Division IV -- Collector's Licenses, Fees, and Permits

11 The department of natural resources issues several types of
12 permits to educators and wildlife professionals that allow for
13 the collection or rehabilitation of wildlife under specific
14 conditions. While this is a fairly minor and specialized
15 activity, it requires a fair amount of staff time. There are
16 several proposed changes that affect educational projects,
17 wildlife salvage, and general and master wildlife
18 rehabilitation permits in this bill. The key ingredient is
19 language to allow for permit terms of three years. In
20 addition, it is proposed that the permit fee be set by rule.
21 Together, these actions would streamline our handling of these
22 permit categories which only affect a limited number of
23 Iowans.

24 Division V -- Definition of Resident, Nonresident Minor

25 The bill proposes a limited definition of nonresident youth
26 to allow them to be residents while they live with a
27 noncustodial parent who is an Iowan. The change is intended
28 to encourage hunting and fishing as parent-child activities
29 while a child is visiting a parent.

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