

Brauns, Chair
Sunderbruch
Bell

HSB 700

NATURAL RESOURCES

SENATE/HOUSE FILE 02486
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

A BILL FOR

1 An Act relating to the taking of fish and game by establishing
2 residency requirements and methods of taking fish and
3 subjecting violators to an existing penalty.

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

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1 Section 1. Section 481A.76, Code 1999, is amended to read
2 as follows:

3 481A.76 UNLAWFUL MEANS -- EXCEPTION.

4 It is unlawful, except as otherwise provided, to use on or
5 in the waters of the state any grabhook, snaghook, any kind of
6 a net, seine, trap, firearm, dynamite, or other explosives, or
7 poisonous or stupefying substances, lime, ashes, or
8 electricity, or hand fishing in the taking or attempting to
9 take any fish, except that gaffhooks or landing nets may be
10 used to assist in landing fish. ~~A person shall not take or~~
11 ~~kill, or attempt to take or kill any fish by hand fishing.~~
12 ~~However, carp, buffalo, quillback, gar, sheepshead, dogfish,~~
13 ~~and other rough fish designated by the~~ The commission may
14 permit designated fish to be taken by hand fishing, by
15 snagging, by spear spearing, by bow and arrow, ~~day or night,~~
16 and with artificial light. ~~The snagging of paddlefish and~~
17 ~~other game fish may be permitted at such~~ the times and at such
18 the places as determined by rules of the commission.

19 Sec. 2. Section 483A.1A, subsection 4, unnumbered
20 paragraph 1, Code 1999, is amended to read as follows:

21 "Resident" means a natural person who meets any of the
22 following criteria:

23 Sec. 3. Section 483A.1A, subsection 4, paragraph a, Code
24 1999, is amended by striking the paragraph and inserting in
25 lieu thereof the following:

26 a. Has physically resided in this state at least thirty
27 consecutive days immediately before applying for or purchasing
28 a resident license under this chapter and has been issued an
29 Iowa driver's license.

30 Sec. 4. Section 483A.1A, subsection 4, Code 1999, is
31 amended by adding the following new paragraph:

32 NEW PARAGRAPH. d. Is registered to vote in this state.

33 Sec. 5. NEW SECTION. 483A.25 DUAL RESIDENCY PROHIBITED.

34 A person shall not apply for or purchase a resident license
35 or permit issued under this chapter if the person claims

1 residency in any other state, territory, or foreign nation.

2 EXPLANATION

3 This bill authorizes the natural resource commission to
4 designate which fish species may be taken by hand fishing,
5 snagging, spearing, and using a bow and arrow. The
6 commission, by rule, shall determine the times, places, and
7 conditions for taking fish by the listed methods.

8 The bill also amends the elements to be met to be
9 considered a resident for hunting, fishing, and fur harvesting
10 purposes. References to Code section 321.1A, subsections 1
11 through 6, are stricken. These subsections refer to a person
12 having filed for a homestead tax exemption or for a military
13 tax exemption, registered to vote, enrolled a child in a
14 public school, received public assistance, or resided
15 continuously in this state for at least 30 days. The
16 definition of resident is also amended to retain elements that
17 the person is registered to vote in this state and has
18 physically resided in this state at least 30 consecutive days
19 before applying for or purchasing a game or fish license, and
20 has been issued an Iowa driver's license. The bill also
21 prohibits a person from applying for or purchasing a resident
22 license or permit if the person claims residency in any other
23 state, territory, or foreign nation.

24 Persons violating new provisions relating to dual residency
25 are subject to an existing penalty in Code section 483A.42.
26 The penalty is a simple misdemeanor with a minimum fine of
27 \$10.

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THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

PAUL W. JOHNSON, DIRECTOR


Memorandum

To: General Assembly

From: Paul W. Johnson, Director
Iowa Department of Natural Resources

Date: February 3, 2000

Re: Snagging of Fish and Residency Requirements



The attached bill deals with two issues, the first of which is allowing the Natural Resource Commission to designate which species of fish can be taken by hand fishing, snagging, spearing, and bow and arrow. The Commission will also be authorized to determine times, places and conditions for such taking activity.

The second part of the bill clarifies and specifies residency requirements only for the purpose of obtaining hunting, fishing and related licenses. The bill includes one new criteria, and redefines another. The law will then set forth four criteria, any one of which, if met, defines a resident.

S-3/15/00 Ret. Res
S-3/16/00 Do Pass

FEB 28 2000

REPRINTED

Place On Calendar

HOUSE FILE 2486
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 700)

Passed House, Date ^(P. 731) 3-14-00 Passed Senate, Date ^(P. 928) 3-29-00
Vote: Ayes 85 Nays 9 Vote: Ayes 49 Nays 0
Approved 4-19-00

A BILL FOR

1 An Act relating to the taking of fish and game by establishing
2 residency requirements and methods of taking fish and
3 subjecting violators to an existing penalty.

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

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HF 2486

1 Section 1. Section 481A.76, Code 1999, is amended to read
2 as follows:

3 481A.76 UNLAWFUL MEANS -- EXCEPTION.

4 It is unlawful, except as otherwise provided, to use on or
5 in the waters of the state any grabhook, snaghook, any kind of
6 a net, seine, trap, firearm, dynamite, or other explosives, or
7 poisonous or stupefying substances, lime, ashes, or
8 electricity, or hand fishing in the taking or attempting to
9 take any fish, except that gaffhooks or landing nets may be
10 used to assist in landing fish. ~~A person shall not take or~~
11 ~~kill or attempt to take or kill any fish by hand fishing.~~
12 ~~However, carp, buffalo, quillback, gar, sheepshead, dogfish,~~
13 ~~and other rough fish designated by the~~ The commission may
14 permit designated fish to be taken by hand fishing, by
15 snagging, by spear spearing, by bow and arrow, day or night,
16 and with artificial light. ~~The snagging of paddlefish and~~
17 ~~other game fish may be permitted at such~~ the times and at such
18 the places as determined by rules of the commission.

19 Sec. 2. Section 483A.1A, subsection 4, unnumbered
20 paragraph 1, Code 1999, is amended to read as follows:

21 "Resident" means a natural person who meets any of the
22 following criteria:

23 Sec. 3. Section 483A.1A, subsection 4, paragraph a, Code
24 1999, is amended by striking the paragraph and inserting in
25 lieu thereof the following:

26 a. Has physically resided in this state at least thirty
27 consecutive days immediately before applying for or purchasing
28 a resident license under this chapter and has been issued an
29 Iowa driver's license or an Iowa nonoperator's identification
30 card.

31 Sec. 4. Section 483A.1A, subsection 4, Code 1999, is
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. d. Is registered to vote in this state.

34 Sec. 5. NEW SECTION. 483A.2 DUAL RESIDENCY.

35 A resident license shall be limited to persons who do not

1 claim any resident privileges, except as defined in section
2 483A.1A, subsection 4, paragraphs b, c, and d, in another
3 state or country. A person shall not purchase or apply for
4 any resident license or permit if that person has claimed
5 residency in any other state or country.

6 EXPLANATION

7 This bill authorizes the natural resource commission to
8 designate which fish species may be taken by hand fishing,
9 snagging, spearing, and using a bow and arrow. The
10 commission, by rule, shall determine the times, places, and
11 conditions for taking fish by the listed methods.

12 The bill also amends the elements to be met in order to be
13 considered a resident for hunting, fishing, and fur harvesting
14 purposes. References to Code section 321.1A, subsections 1
15 through 6, are stricken. These subsections refer to a person
16 having filed for a homestead tax exemption or for a military
17 tax exemption, registered to vote, enrolled a child in a
18 public school, received public assistance, or resided
19 continuously in this state for at least 30 days. The
20 definition of resident is also amended to retain elements that
21 the person is registered to vote in this state and has
22 physically resided in this state at least 30 consecutive days
23 before applying for or purchasing a game or fish license, and
24 has been issued an Iowa driver's license. The bill also
25 prohibits a person from applying for or purchasing a resident
26 license or permit if the person claims residency in any other
27 state, territory, or foreign nation. The single residency
28 requirement does not apply to full-time students, a
29 nonresident under 18 years of age visiting a parent, or a
30 person who is registered to vote in this state.

31 Persons violating new provisions relating to dual residency
32 are subject to an existing penalty in Code section 483A.42.
33 The penalty is a simple misdemeanor with a minimum fine of
34 \$10.

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H-8184

1 Amend House File 2486 as follows:

2 1. Page 1, by inserting after line 18 the
3 following:

4 "Sec. ____ . Section 481A.123, subsection 1, Code
5 1999, is amended to read as follows:

6 1. A person shall not discharge a firearm or shoot
7 or attempt to shoot a game or fur-bearing animal
8 within two hundred yards of a building inhabited by
9 people or domestic livestock or within two hundred
10 yards of a feedlot unless the owner or tenant has
11 given consent. However, within the corporate limits
12 of a city, a person may take deer with a firearm
13 within fifty yards of a building inhabited by people
14 or domestic livestock, or a feedlot pursuant to an
15 approved special deer population control plan if the
16 person obtains permission of the owner or tenant of
17 the building or feedlot."

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18 2. Page 2, by inserting after line 5 the
19 following:

20 "Sec. ____ . Section 724.1, subsection 8, Code 1999,
21 is amended to read as follows:

22 8. Any mechanical device specifically constructed
23 and designed so that when attached to a firearm
24 silences, muffles or suppresses the sound when fired.
25 However, this subsection does not apply to a
26 mechanical device possessed and used by a person
27 solely for the purpose of shooting a deer pursuant to
28 an approved city special deer population control plan
29 if the person has a valid federal permit to possess
30 and use the mechanical device."

B

31 3. Title page, line 2, by inserting after the
32 word "requirements" the following: ", authorizing the
33 taking of deer and the use of certain mechanical
34 devices for taking deer within a city,".

By MYERS of Johnson

H-8184 FILED MARCH 6, 2000

A. adopted 3/14/00
B. adopted (P. 731)

HOUSE FILE **2486**
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 700)

(As Amended and Passed by the House, March 14, 2000)

Passed House, Date _____ Passed Senate, Date ^(p. 928) 3-29-00
Vote: Ayes _____ Nays _____ Vote: Ayes 49 Nays 0
Approved _____

A BILL FOR

1 An Act relating to the taking of fish and game by establishing
2 residency requirements, authorizing the taking of deer and the
3 use of certain mechanical devices for taking deer within a
4 city, and methods of taking fish and subjecting violators to
5 an existing penalty.

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

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House Amendments _____

HF 2486

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2 as follows:

3 481A.76 UNLAWFUL MEANS -- EXCEPTION.

4 It is unlawful, except as otherwise provided, to use on or
5 in the waters of the state any grabhook, snaghook, any kind of
6 a net, seine, trap, firearm, dynamite, or other explosives, or
7 poisonous or stupefying substances, lime, ashes, or
8 electricity, or hand fishing in the taking or attempting to
9 take any fish, except that gaffhooks or landing nets may be
10 used to assist in landing fish. ~~A person shall not take or~~
11 ~~kill, or attempt to take or kill any fish by hand fishing.~~
12 ~~However, carp, buffalo, quillback, gar, sheepshead, dogfish,~~
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14 permit designated fish to be taken by hand fishing, by
15 snagging, by spear spearing, by bow and arrow, day or night,
16 and with artificial light. ~~The snagging of paddlefish and~~
17 ~~other game fish may be permitted at such~~ the times and at such
18 the places as determined by rules of the commission.

19 Sec. 2. Section 481A.123, subsection 1, Code 1999, is
20 amended to read as follows:

21 1. A person shall not discharge a firearm or shoot or
22 attempt to shoot a game or fur-bearing animal within two
23 hundred yards of a building inhabited by people or domestic
24 livestock or within two hundred yards of a feedlot unless the
25 owner or tenant has given consent. However, within the
26 corporate limits of a city, a person may take deer with a
27 firearm within fifty yards of a building inhabited by people
28 or domestic livestock, or a feedlot pursuant to an approved
29 special deer population control plan if the person obtains
30 permission of the owner or tenant of the building or feedlot.

31 Sec. 3. Section 483A.1A, subsection 4, unnumbered
32 paragraph 1, Code 1999, is amended to read as follows:

33 "Resident" means a natural person who meets any of the
34 following criteria:

35 Sec. 4. Section 483A.1A, subsection 4, paragraph a, Code

1 1999, is amended by striking the paragraph and inserting in
2 lieu thereof the following:

3 a. Has physically resided in this state at least thirty
4 consecutive days immediately before applying for or purchasing
5 a resident license under this chapter and has been issued an
6 Iowa driver's license or an Iowa nonoperator's identification
7 card.

8 Sec. 5. Section 483A.1A, subsection 4, Code 1999, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. d. Is registered to vote in this state.

11 Sec. 6. NEW SECTION. 483A.2 DUAL RESIDENCY.

12 A resident license shall be limited to persons who do not
13 claim any resident privileges, except as defined in section
14 483A.1A, subsection 4, paragraphs b, c, and d, in another
15 state or country. A person shall not purchase or apply for
16 any resident license or permit if that person has claimed
17 residency in any other state or country.

18 Sec. 7. Section 724.1, subsection 8, Code 1999, is amended
19 to read as follows:

20 8. Any mechanical device specifically constructed and
21 designed so that when attached to a firearm silences, muffles
22 or suppresses the sound when fired. However, this subsection
23 does not apply to a mechanical device possessed and used by a
24 person solely for the purpose of shooting a deer pursuant to
25 an approved city special deer population control plan if the
26 person has a valid federal permit to possess and use the
27 mechanical device.

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HOUSE FILE 2486

AN ACT

RELATING TO THE TAKING OF FISH AND GAME BY ESTABLISHING RESIDENCY REQUIREMENTS, AUTHORIZING THE TAKING OF DEER AND THE USE OF CERTAIN MECHANICAL DEVICES FOR TAKING DEER WITHIN A CITY, AND METHODS OF TAKING FISH AND SUBJECTING VIOLATORS TO AN EXISTING PENALTY.

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

Section 1. Section 481A.76, Code 1999, is amended to read as follows:

481A.76 UNLAWFUL MEANS -- EXCEPTION.

It is unlawful, except as otherwise provided, to use on or in the waters of the state any grabhook, snaghook, any kind of a net, seine, trap, firearm, dynamite, or other explosives, or poisonous or stupefying substances, lime, ashes, or electricity, or hand fishing in the taking or attempting to take any fish, except that gaffhooks or landing nets may be used to assist in landing fish. ~~A person shall not take or kill, or attempt to take or kill any fish by hand fishing. However, carp, buffalo, quillback, gar, sheepshead, dogfish, and other rough fish designated by the~~ The commission may permit designated fish to be taken by hand fishing, by snagging, by spear spearing, by bow and arrow, day or night, and with artificial light. ~~The snagging of paddlefish and other game fish may be permitted at such~~ the times and at such the places as determined by rules of the commission.

Sec. 2. Section 481A.123, subsection 1, Code 1999, is amended to read as follows:

1. A person shall not discharge a firearm or shoot or attempt to shoot a game or fur-bearing animal within two hundred yards of a building inhabited by people or domestic livestock or within two hundred yards of a feedlot unless the

owner or tenant has given consent. However, within the corporate limits of a city, a person may take deer with a firearm within fifty yards of a building inhabited by people or domestic livestock, or a feedlot pursuant to an approved special deer population control plan if the person obtains permission of the owner or tenant of the building or feedlot.

Sec. 3. Section 483A.1A, subsection 4, unnumbered paragraph 1, Code 1999, is amended to read as follows:

"Resident" means a natural person who meets any of the following criteria:

Sec. 4. Section 483A.1A, subsection 4, paragraph a, Code 1999, is amended by striking the paragraph and inserting in lieu thereof the following:

a. Has physically resided in this state at least thirty consecutive days immediately before applying for or purchasing a resident license under this chapter and has been issued an Iowa driver's license or an Iowa nonoperator's identification card.

Sec. 5. Section 483A.1A, subsection 4, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Is registered to vote in this state.

Sec. 6. NEW SECTION. 483A.2 DUAL RESIDENCY.

A resident license shall be limited to persons who do not claim any resident privileges, except as defined in section 483A.1A, subsection 4, paragraphs "b", "c", and "d", in another state or country. A person shall not purchase or apply for any resident license or permit if that person has claimed residency in any other state or country.

Sec. 7. Section 724.1, subsection 8, Code 1999, is amended to read as follows:

8. Any mechanical device specifically constructed and designed so that when attached to a firearm silences, muffles or suppresses the sound when fired. However, this subsection does not apply to a mechanical device possessed and used by a person solely for the purpose of shooting a deer pursuant to

an approved city special deer population control plan if the person has a valid federal permit to possess and use the mechanical device.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2486, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 4/19, 2000

THOMAS J. VILSACK
Governor