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MAR 16 1999

Place On Calendar

HOUSE FILE 696  
BY COMMITTEE ON NATURAL  
RESOURCES

(SUCCESSOR TO HF 314)

Passed House, <sup>(p. 803)</sup> Date 3/23/99  
Vote: Ayes 90 Nays 4  
Approved \_\_\_\_\_

Passed Senate, Date 4/15/99 <sup>(P. 1154)</sup>  
Vote: Ayes 47 Nays 0

A BILL FOR

1 An Act relating to the sale of timber by a county conservation  
2 board.

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

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HF 696

1 Section 1. Section 350.6, Code 1999, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. If the estimated quantity of  
4 timber to be sold by the board in a two-week period is ten  
5 thousand board feet or more, the board shall conduct a public  
6 hearing on the proposed sale. Notice of the hearing shall be  
7 published as provided in section 331.305. After the public  
8 hearing, the board may proceed with the sale of the timber.

9 EXPLANATION

10 This bill provides that when the estimated quantity of  
11 timber to be sold by a county conservation board in a two-week  
12 period is 10,000 board feet or more, the board shall hold a  
13 public hearing on the proposed sale. The board shall publish  
14 notice of the hearing as provided in Code section 331.305.  
15 After the hearing, the board may proceed with the proposed  
16 sale.

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HOUSE FILE 696

H-1123

- 1 Amend House File 696 as follows:
  - 2 1. Page 1, line 4, by striking the word "two-
  - 3 week" and inserting the following: "sixty-day".
- By DRAKE of Pottawattamie

H-1123 FILED MARCH 18, 1999

*Adopted*  
*3/23/99*  
*(P. 802)*

HOUSE FILE 696

H-1124

- 1 Amend House File 696 as follows:
  - 2 1. Page 1, line 5, by inserting after the word
  - 3 "more" the following: "or if the estimated value of
  - 4 timber to be sold by the board in the same time period
  - 5 is ten thousand dollars or more".
- By DRAKE of Pottawattamie

H-1124 FILED MARCH 18, 1999

*out of order*  
*3/23/99 (P. 802)*

HOUSE FILE 696

H-1125

- 1 Amend House File 696 as follows:
  - 2 1. Page 1, line 5, by inserting after the word
  - 3 "more" the following: "or if the estimated value of
  - 4 timber to be sold by the board during the same period
  - 5 of time is five thousand dollars or more".
- By DRAKE of Pottawattamie

H-1125 FILED MARCH 18, 1999

*Adopted*  
*3/23/99 (P. 802)*

S-3/24/99 Nat. Res.  
S-3/31/99 Amend/Do Pass  
W/S-3204

HOUSE FILE 696  
BY COMMITTEE ON NATURAL  
RESOURCES

(SUCCESSOR TO HF 314)

(As Amended and Passed by the House, March 23, 1999)

Passed House, Date <sup>(P. 1152)</sup> 4-27-99 Passed Senate, Date <sup>(P. 1154)</sup> 4/15/99  
Vote: Ayes 96 Nays 1 Vote: Ayes 47 Nays 0  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the sale of timber by a county conservation  
2 board.

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

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

1 Section 1. Section 350.6, Code 1999, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. If the estimated quantity of  
4 timber to be sold by the board in a sixty-day period is ten  
5 thousand board feet or more or if the estimated value of  
6 timber to be sold by the board during the same period of time  
7 is five thousand dollars or more, the board shall conduct a  
8 public hearing on the proposed sale. Notice of the hearing  
9 shall be published as provided in section 331.305. After the  
10 public hearing, the board may proceed with the sale of the  
11 timber.

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HOUSE FILE 696

S-3216

1 Amend the Committee amendment, S-3204, to House  
2 File 696, as amended, passed, and reprinted by the  
3 House, as follows:

4 1. Page 1, by striking line 27 and inserting the  
5 following: "aged cheese.

6 Sec. \_\_\_\_ . Section 137F.2, Code 1999, is amended by  
7 adding the following new subsection:

A 8 NEW SUBSECTION. 14. 3-603.11 shall be amended so  
9 that the rule shall not apply to whole muscle red  
10 meats."

11 2. Page 1, lines 38 and 39, by striking the words  
12 "of not less than eighteen inches by twenty-four  
13 inches".

14 3. Page 1, line 41, by inserting after the word  
15 "runoff." the following: "The department shall  
16 determine, by rule, the size of the sign."

17 4. Page 2, by inserting after line 2 the  
18 following:

B 19 "\_\_\_\_. A telephone number of the department."

20 5. Page 2, by striking lines 3 through 42 and  
21 inserting the following:

22 "2. If a permit holder has not erected a sign as  
23 provided in subsection 1 within thirty days after  
24 notification by the department, the director may  
25 assess a civil penalty of one hundred dollars. If a  
26 permit holder fails to erect a sign as provided in  
27 subsection 1 within thirty days of a second  
28 notification by the department, the director shall  
29 assess a civil penalty of two hundred dollars. For  
30 each subsequent failure to erect the required sign  
31 after notification by the department, the director  
32 shall assess a civil penalty of five hundred dollars."

A 33 6. Page 4, by inserting after line 18 the  
34 following:

35 "Sec. \_\_\_\_ . Section 481A.130, subsection 1,  
36 unnumbered paragraph 1, Code 1999, is amended to read  
37 as follows:

B 38 In addition to the penalties for violations of this  
39 chapter and chapters 350, 461A, 481B, and 482, and  
40 rules adopted under the specified chapters, a person  
41 convicted of unlawfully selling, taking, catching,  
42 killing, injuring, destroying, or having in possession  
43 any animal, shall reimburse the state for the value of  
44 such as follows:"

45 7. Page 5, line 47, by inserting after the word  
46 "matters," the following: "providing a civil penalty  
47 for violating certain administrative rules,".

By MERLIN E. BARTZ  
JOE BOLKCOM

JOANN JOHNSON  
DAVID MILLER

S-3216 FILED APRIL 1, 1999

A. Adopted 4/14/99  
B W/D  
(P. 1154)

HOUSE FILE 696

S-3345

1 Amend the Committee amendment, S-3204, to House  
2 File 696, as amended, passed, and reprinted by the  
3 House, as follows:  
4 1. By striking page 1, line 34, through page 3,  
5 line 2, and inserting the following: "IDENTIFICATION.  
6 The department, pursuant to this division, shall  
7 consult with municipalities and industrial national  
8 pollution discharge elimination system permit holders  
9 regarding public identification of sites where  
10 national pollution discharge elimination system  
11 permitted discharges occur to state waters."

By MERLIN E. BARTZ  
JOE BOLKCOM  
BILL FINK

JOANN JOHNSON  
DAVID MILLER

S-3345 FILED APRIL 13, 1999  
*adopted 4-15-99 (P. 1154)*

## HOUSE FILE 696

S-3204

1 Amend House File 696, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 137D.9, Code 1999, is amended  
6 to read as follows:

7 137D.9 EXEMPTION.

8 This chapter shall not apply to a home food  
9 establishment having gross annual sales of prepared  
10 food including jams and jellies of one thousand  
11 dollars or less, if the person who prepares the food  
12 sells or offers to sell the food on or off the  
13 premises of the home food establishment and if the  
14 food is labeled to identify the name and address of  
15 the person preparing the food and the common name of  
16 the food, and to state that the food is prepared in a  
17 kitchen that is not subject to state inspection,  
18 regulation, or licensure.

19 Sec. \_\_\_\_ . Section 137F.2, Code 1999, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 12. 3-201.16(B) shall be amended  
22 to exclude wild morel mushrooms.

23 Sec. \_\_\_\_ . Section 137F.2, Code 1999, is amended by  
24 adding the following new subsection:

25 NEW SUBSECTION. 13. 3-501.17 shall be amended to  
26 provide that paragraphs (C) and (D) shall not apply to  
27 aged cheese."

28 2. Page 1, by striking lines 5 through 7 and  
29 inserting the following: "thousand board feet or  
30 more, the board shall conduct a".

31 \_\_\_\_ . Page 1, by inserting after line 11 the  
32 following:

33 "Sec. \_\_\_\_ . NEW SECTION. 455B.189 DISCHARGE POINT  
34 SIGNS.

35 1. A person holding an Iowa national pollutant  
36 discharge elimination system permit issued by the  
37 department shall post or erect a conspicuous and  
38 legible sign of not less than eighteen inches by  
39 twenty-four inches at all discharge points to surface  
40 waters, except for any site where the discharge is  
41 composed exclusively of storm water runoff. The sign  
42 shall include all of the following information:

43 a. A statement containing the words "Iowa state  
44 permitted discharge point permit no. (insert permit  
45 number). For information on this discharge you can  
46 contact:".

47 b. The Iowa national pollutant discharge  
48 elimination system permit number issued by the  
49 department.

50 c. The name and telephone number of the permit

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Page 2

1 holder which shall be the business office repository  
 2 of the permit holder.  
 3 2. A permit holder shall provide for public review  
 4 at the business office repository of the permit holder  
 5 or at the off-premises location of the permit holder's  
 6 choice all discharge monitoring records prepared by  
 7 the permit holder to demonstrate compliance with the  
 8 Iowa national pollutant discharge elimination system  
 9 permit conditions. A copy of all discharge monitoring  
 10 records shall be placed on file at such location at  
 11 the same time the records are sent to the department.  
 12 This information shall be kept on file for the period  
 13 during which the permit is effective.

14 3. The department shall, as part of the terms and  
 15 conditions of a permit, establish the actual  
 16 appearance and location of the sign on the property of  
 17 the permit holder which shall be in as close proximity  
 18 to the point of discharge into the surface water as is  
 19 reasonably possible while ensuring the maximum  
 20 visibility from the surface water and shore.

21 4. The permit holder shall periodically and  
 22 reasonably maintain the sign to ensure that the sign  
 23 is still legible, visible, and factually correct. A  
 24 good faith documented effort by a permit holder to  
 25 maintain the sign is an affirmative defense in any  
 26 action relating to the unauthorized absence of a sign.

27 5. The department may waive all or part of the  
 28 requirements of this section if the department  
 29 determines any of the following circumstances exist:  
 30 a. The sign cannot be reasonably maintained.  
 31 b. The sign would be inconsistent with the  
 32 provisions of another statute.  
 33 c. The sign could not be located in a manner which  
 34 serves a public purpose.  
 35 d. The nature of the discharge is temporary and of  
 36 a relatively short duration.  
 37 e. The discharge is not a major, significant  
 38 discharge.

39 6. A person violating a provision of this section  
 40 is subject to a civil penalty of not more than one  
 41 hundred dollars per day for each day such violation  
 42 continues.

43 Sec. \_\_\_\_\_. Section 455B.191, subsection 1, Code  
 44 1999, is amended to read as follows:

45 1. Any person who violates any provision of part 1  
 46 of division III of this chapter or any permit, rule,  
 47 standard, or order issued under part 1 of division III  
 48 of this chapter shall be subject to a civil penalty  
 49 not to exceed five thousand dollars for each day of  
 50 such violation. This section shall not apply to

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Page 3

1 violations of section 455B.189 or any permit, rule, or  
2 standard issued under section 455B.189."

3 3. Page 1, by inserting after line 11 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 481A.32, unnumbered paragraph  
6 1, Code 1999, is amended to read as follows:

7 Whoever shall take, catch, kill, injure, destroy,  
8 have in possession, buy, sell, ship, or transport any  
9 frogs, fish, mussels, birds, their nests, eggs, or  
10 plumage, fowls, game, or animals or their fur or raw  
11 pelt in violation of the provisions of this chapter or  
12 of administrative rules of the commission or whoever  
13 shall use any device, equipment, seine, trap, net,  
14 tackle, firearm, drug, poison, explosive, or other  
15 substance or means, the use of which is prohibited by  
16 this chapter, or use the same at a time, place, or in  
17 a manner or for a purpose prohibited, or do any other  
18 act in violation of the provisions of this chapter or  
19 of administrative rules of the commission for which no  
20 other punishment is provided, is guilty of a simple  
21 misdemeanor and shall be assessed a minimum fine of  
22 ten fifty dollars for each offense.

23 Sec. \_\_\_\_\_. Section 481A.38, subsection 2, Code  
24 1999, is amended to read as follows:

25 2. If the commission finds that the number of  
26 hunters licensed or the type of license issued to take  
27 deer or wild turkey should be limited or further  
28 regulated, the commission shall ~~conduct a drawing to~~  
29 ~~determine which applicants shall receive a license and~~  
30 ~~the type of license~~ adopt rules governing the  
31 issuances of the licenses. ~~Applications for licenses~~  
32 ~~shall be received during a period established by the~~  
33 ~~commission. At the end of the period a drawing shall~~  
34 ~~be conducted. The commission may establish rules to~~  
35 ~~issue licenses after the established application~~  
36 ~~period. If an applicant receives a deer license which~~  
37 ~~is more restrictive than licenses issued to others for~~  
38 ~~the same period and place, the applicant shall receive~~  
39 ~~a certificate with the license entitling the applicant~~  
40 ~~to priority in the drawing for the less restrictive~~  
41 ~~deer licenses the following year. The certificate~~  
42 ~~must accompany that person's application the following~~  
43 ~~year, or the applicant will not receive this priority.~~  
44 ~~Persons purchasing a deer license for the gun season~~  
45 ~~under this section and under section 483A.1 are not~~  
46 ~~eligible for a gun deer hunting license under section~~  
47 ~~483A.24, except as authorized by rules of the~~  
48 ~~department. This subsection does not apply to the~~  
49 ~~hunting of wild turkey on a hunting preserve licensed~~  
50 ~~under chapter 484B.~~

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-3-

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Page 4

1 Sec. \_\_\_\_ . Section 481A.57, Code 1999, is amended  
2 to read as follows:

3 481A.57 POSSESSION AND STORAGE.

4 A person having lawful possession of game or fur-  
5 bearing animals or their pelts, except deer venison,  
6 may hold them for not to exceed thirty days after the  
7 close of the open season for such game or furbearers.  
8 A person having lawful possession of deer venison  
9 which is taken with a valid deer hunting license, may  
10 hold the deer venison from the date of taking until  
11 the following September 1. From September 1 until the  
12 first day of the next deer open season for which the  
13 person holds a valid deer hunting license, the person  
14 shall not possess more than twenty-five pounds of deer  
15 venison per license. Any person may possess up to  
16 twenty-five pounds of deer venison if the deer was  
17 obtained from a lawful source. A permit to hold for a  
18 longer period may be granted by the department.

19 Sec. \_\_\_\_ . Section 483A.7, subsection 3, Code 1999,  
20 is amended to read as follows:

21 3. A nonresident wild turkey hunter is required to  
22 have only a nonresident wild turkey hunting license  
23 and pay the wildlife habitat fee. ~~The commission~~  
24 ~~shall annually limit to two thousand licenses the~~  
25 ~~number of nonresidents allowed to have wild turkey~~  
26 ~~hunting licenses.~~ Upon application with proof of  
27 ownership of land in this state and payment of the  
28 applicable fees, the department shall issue a  
29 nonresident wild turkey license to the applicant to  
30 hunt on the applicant's land. The number of  
31 nonresident wild turkey hunting licenses shall be  
32 determined as provided in section 481A.38. The  
33 commission shall allocate the nonresident wild turkey  
34 hunting licenses issued among the zones based on the  
35 populations of wild turkey. A nonresident applying  
36 for a wild turkey hunting license must exhibit proof  
37 of having successfully completed a hunter safety and  
38 ethics education program as provided in section  
39 483A.27 or its equivalent as determined by the  
40 department before the license is issued.

41 Sec. \_\_\_\_ . Section 483A.8, subsection 3, Code 1999,  
42 is amended to read as follows:

43 3. A nonresident hunting deer is required to have  
44 a nonresident deer license and must pay the wildlife  
45 habitat fee. ~~The commission shall annually limit to~~  
46 ~~seven thousand five hundred licenses the number of~~  
47 ~~nonresidents allowed to have deer hunting licenses.~~  
48 ~~Of the first six thousand nonresident deer licenses~~  
49 ~~issued, not more than thirty-five percent of the~~  
50 ~~licenses shall be bow-season licenses and, after the~~

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Page 5

~~1 first-six-thousand-nonresident-deer-licenses-have-been~~  
~~2 issued,-all-additional-licenses-shall-be-issued-for~~  
~~3 antlerless-deer-only. Upon application with proof of~~  
~~4 ownership of land in this state and payment of the~~  
~~5 applicable fees, the department shall issue a~~  
~~6 nonresident deer hunting license to the applicant to~~  
~~7 hunt on the applicant's land. The number of~~  
8 nonresident deer hunting licenses shall be determined  
9 as provided in section 481A.38. The commission shall  
10 allocate the nonresident deer hunting licenses issued  
11 among the zones based on the populations of deer.  
12 However, a nonresident applicant may request one or  
13 more hunting zones, in order of preference, in which  
14 the applicant wishes to hunt. If the request cannot  
15 be fulfilled, the applicable fees shall be returned to  
16 the applicant. A nonresident applying for a deer  
17 hunting license must exhibit proof of having  
18 successfully completed a hunter safety and ethics  
19 education program as provided in section 483A.27 or  
20 its equivalent as determined by the department before  
21 the license is issued.

22 Sec. \_\_\_\_\_. Section 484B.4, subsection 2, paragraph  
23 c, Code 1999, is amended by striking the paragraph.

24 Sec. \_\_\_\_\_. Section 805.8, subsection 5, paragraph  
25 e, Code 1999, is amended to read as follows:

26 e. For violations of sections 481A.57, 481A.85,  
27 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3,  
28 and 482.9, the scheduled fine is one hundred dollars.

29 Sec. \_\_\_\_\_. Section 805.8, subsection 5, paragraph  
30 g, subparagraph (3), Code 1999, is amended to read as  
31 follows:

32 (3) For mussels, frogs, spawn, or fish, the  
33 scheduled fine is ~~ten~~ fifty dollars.

34 Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, being deemed  
35 of immediate importance, takes effect upon enactment."

36 4. Title page, by striking lines 1 and 2 and  
37 inserting the following: "An Act relating to the  
38 protection and regulation of natural resources by  
39 exempting certain natural and processed food products  
40 from food code regulation, providing for the sale of  
41 timber, providing for the issuance and allocation of  
42 limited hunting licenses, removing a location  
43 requirement for licensed hunting preserves, regulating  
44 the possession of deer venison, requiring Iowa  
45 national pollutant discharge elimination system permit  
46 holders to post signs, providing for other properly  
47 related matters, increasing fines for violations of  
48 certain natural resource laws, providing a penalty,  
49 and providing an effective date."

By COMMITTEE ON NATURAL RESOURCES  
AND ENVIRONMENT  
MERLIN E. BARTZ, Chairperson

S-3204 FILED MARCH 31, 1999

*Adopted*  
*4/16/99 (P.1154)*

S-3396

1 Amend the committee amendment, S-3204, to House  
2 File 696, as amended, passed, and reprinted by the  
3 House, as follows:  
4 1. Page 3, by striking lines 27 through 34 and  
5 inserting the following: "deer-or wild turkey should  
6 be limited or further regulated, the commission shall  
7 conduct a drawing to determine which applicants shall  
8 receive a license and the type of license.  
9 Applications for licenses shall be received during a  
10 period established by the commission. At the end of  
11 the period a drawing shall be conducted. The  
12 ~~commission-may-establish-rules-to~~".

By DICK L. DEARDEN

S-3396 FILED APRIL 15, 1999

ADOPTED

(P. 1154)

## SENATE AMENDMENT TO HOUSE FILE 696

H-1638

1 Amend House File 696, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 137D.9, Code 1999, is amended  
6 to read as follows:

7 137D.9 EXEMPTION.

8 This chapter shall not apply to a home food  
9 establishment having gross annual sales of prepared  
10 food including jams and jellies of one thousand  
11 dollars or less, if the person who prepares the food  
12 sells or offers to sell the food on or off the  
13 premises of the home food establishment and if the  
14 food is labeled to identify the name and address of  
15 the person preparing the food and the common name of  
16 the food, and to state that the food is prepared in a  
17 kitchen that is not subject to state inspection,  
18 regulation, or licensure.

19 Sec. \_\_\_\_\_. Section 137F.2, Code 1999, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 12. 3-201.16(B) shall be amended  
22 to exclude wild morel mushrooms.

23 Sec. \_\_\_\_\_. Section 137F.2, Code 1999, is amended by  
24 adding the following new subsection:

25 NEW SUBSECTION. 13. 3-501.17 shall be amended to  
26 provide that paragraphs (C) and (D) shall not apply to  
27 aged cheese.

28 Sec. \_\_\_\_\_. Section 137F.2, Code 1999, is amended by  
29 adding the following new subsection:

30 NEW SUBSECTION. 14. 3-603.11 shall be amended so  
31 that the rule shall not apply to whole muscle red  
32 meats."

33 2. Page 1, by striking lines 5 through 7 and  
34 inserting the following: "thousand board feet or  
35 more, the board shall conduct a".

36 3. Page 1, by inserting after line 11 the  
37 following:

38 "Sec. \_\_\_\_\_. NEW SECTION. 455B.189 DISCHARGE POINT  
39 IDENTIFICATION.

40 The department, pursuant to this division, shall  
41 consult with municipalities and industrial national  
42 pollution discharge elimination system permit holders  
43 regarding public identification of sites where  
44 national pollution discharge elimination system  
45 permitted discharges occur to state waters."

46 4. Page 1, by inserting after line 11 the  
47 following:

48 "Sec. \_\_\_\_\_. Section 481A.32, unnumbered paragraph  
49 1, Code 1999, is amended to read as follows:

50 Whoever shall take, catch, kill, injure, destroy,

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Page 2

1 have in possession, buy, sell, ship, or transport any  
2 frogs, fish, mussels, birds, their nests, eggs, or  
3 plumage, fowls, game, or animals or their fur or raw  
4 pelt in violation of the provisions of this chapter or  
5 of administrative rules of the commission or whoever  
6 shall use any device, equipment, seine, trap, net,  
7 tackle, firearm, drug, poison, explosive, or other  
8 substance or means, the use of which is prohibited by  
9 this chapter, or use the same at a time, place, or in  
10 a manner or for a purpose prohibited, or do any other  
11 act in violation of the provisions of this chapter or  
12 of administrative rules of the commission for which no  
13 other punishment is provided, is guilty of a simple  
14 misdemeanor and shall be assessed a minimum fine of  
15 ten fifty dollars for each offense.

16 Sec. \_\_\_\_\_. Section 481A.38, subsection 2, Code  
17 1999, is amended to read as follows:

18 2. If the commission finds that the number of  
19 hunters licensed or the type of license issued to take  
20 deer-or wild turkey should be limited or further  
21 regulated, the commission shall conduct a drawing to  
22 determine which applicants shall receive a license and  
23 the type of license. Applications for licenses shall  
24 be received during a period established by the  
25 commission. At the end of the period a drawing shall  
26 be conducted. ~~The commission may establish rules to  
27 issue licenses after the established application  
28 period--if an applicant receives a deer license which  
29 is more restrictive than licenses issued to others for  
30 the same period and place, the applicant shall receive  
31 a certificate with the license entitling the applicant  
32 to priority in the drawing for the less restrictive  
33 deer licenses the following year--The certificate  
34 must accompany that person's application the following  
35 year, or the applicant will not receive this priority.  
36 Persons purchasing a deer license for the gun season  
37 under this section and under section 483A, it are not  
38 eligible for a gun deer hunting license under section  
39 483A.24, except as authorized by rules of the  
40 department--This subsection does not apply to the  
41 hunting of wild turkey on a hunting preserve licensed  
42 under chapter 484B.~~

43 Sec. \_\_\_\_\_. Section 481A.57, Code 1999, is amended  
44 to read as follows:

45 481A.57 POSSESSION AND STORAGE.

46 A person having lawful possession of game or fur-  
47 bearing animals or their pelts, except deer venison,  
48 may hold them for not to exceed thirty days after the  
49 close of the open season for such game or furbearers.

50 A person having lawful possession of deer venison

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Page 3

1 which is taken with a valid deer hunting license, may  
2 hold the deer venison from the date of taking until  
3 the following September 1. From September 1 until the  
4 first day of the next deer open season for which the  
5 person holds a valid deer hunting license, the person  
6 shall not possess more than twenty-five pounds of deer  
7 venison per license. Any person may possess up to  
8 twenty-five pounds of deer venison if the deer was  
9 obtained from a lawful source. A permit to hold for a  
10 longer period may be granted by the department.

11 Sec. \_\_\_\_\_. Section 481A.130, subsection 1,  
12 unnumbered paragraph 1, Code 1999, is amended to read  
13 as follows:

14 In addition to the penalties for violations of this  
15 chapter and chapters 350, 461A, 481B, and 482, and  
16 rules adopted under the specified chapters, a person  
17 convicted of unlawfully selling, taking, catching,  
18 killing, injuring, destroying, or having in possession  
19 any animal, shall reimburse the state for the value of  
20 such as follows:

21 Sec. \_\_\_\_\_. Section 483A.7, subsection 3, Code 1999,  
22 is amended to read as follows:

23 3. A nonresident wild turkey hunter is required to  
24 have only a nonresident wild turkey hunting license  
25 and pay the wildlife habitat fee. ~~The commission~~  
26 ~~shall annually limit to two thousand licenses the~~  
27 ~~number of nonresidents allowed to have wild turkey~~  
28 ~~hunting licenses. Upon application with proof of~~  
29 ~~ownership of land in this state and payment of the~~  
30 ~~applicable fees, the department shall issue a~~  
31 ~~nonresident wild turkey license to the applicant to~~  
32 ~~hunt on the applicant's land. The number of~~  
33 ~~nonresident wild turkey hunting licenses shall be~~  
34 ~~determined as provided in section 481A.38. The~~  
35 ~~commission shall allocate the nonresident wild turkey~~  
36 ~~hunting licenses issued among the zones based on the~~  
37 ~~populations of wild turkey. A nonresident applying~~  
38 ~~for a wild turkey hunting license must exhibit proof~~  
39 ~~of having successfully completed a hunter safety and~~  
40 ~~ethics education program as provided in section~~  
41 ~~483A.27 or its equivalent as determined by the~~  
42 ~~department before the license is issued.~~

43 Sec. \_\_\_\_\_. Section 483A.8, subsection 3, Code 1999,  
44 is amended to read as follows:

45 3. A nonresident hunting deer is required to have  
46 a nonresident deer license and must pay the wildlife  
47 habitat fee. ~~The commission shall annually limit to~~  
48 ~~seven thousand five hundred licenses the number of~~  
49 ~~nonresidents allowed to have deer hunting licenses.~~  
50 ~~Of the first six thousand nonresident deer licenses~~

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1 issued, not more than thirty-five percent of the  
2 licenses shall be bow season licenses and, after the  
3 first six thousand nonresident deer licenses have been  
4 issued, all additional licenses shall be issued for  
5 antlerless deer only. Upon application with proof of  
6 ownership of land in this state and payment of the  
7 applicable fees, the department shall issue a  
8 nonresident deer hunting license to the applicant to  
9 hunt on the applicant's land. The number of  
10 nonresident deer hunting licenses shall be determined  
11 as provided in section 481A.38. The commission shall  
12 allocate the nonresident deer hunting licenses issued  
13 among the zones based on the populations of deer.  
14 However, a nonresident applicant may request one or  
15 more hunting zones, in order of preference, in which  
16 the applicant wishes to hunt. If the request cannot  
17 be fulfilled, the applicable fees shall be returned to  
18 the applicant. A nonresident applying for a deer  
19 hunting license must exhibit proof of having  
20 successfully completed a hunter safety and ethics  
21 education program as provided in section 483A.27 or  
22 its equivalent as determined by the department before  
23 the license is issued.

24 Sec. \_\_\_\_\_. Section 484B.4, subsection 2, paragraph  
25 c, Code 1999, is amended by striking the paragraph.

26 Sec. \_\_\_\_\_. Section 805.8, subsection 5, paragraph  
27 e, Code 1999, is amended to read as follows:

28 e. For violations of sections 481A.57, 481A.85,  
29 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3,  
30 and 482.9, the scheduled fine is one hundred dollars.

31 Sec. \_\_\_\_\_. Section 805.8, subsection 5, paragraph  
32 g, subparagraph (3), Code 1999, is amended to read as  
33 follows:

34 (3) For mussels, frogs, spawn, or fish, the  
35 scheduled fine is ten fifty dollars.

36 Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, being deemed  
37 of immediate importance, takes effect upon enactment."

38 5. Title page, by striking lines 1 and 2 and  
39 inserting the following: "An Act relating to the  
40 protection and regulation of natural resources by  
41 exempting certain natural and processed food products  
42 from food code regulation, providing for the sale of  
43 timber, providing for the issuance and allocation of  
44 limited hunting licenses, removing a location  
45 requirement for licensed hunting preserves, regulating  
46 the possession of deer venison, requiring Iowa  
47 national pollutant discharge elimination system permit  
48 holders to post signs, providing for other properly  
49 related matters, increasing fines for violations of  
50 certain natural resource laws, providing a penalty,

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1 and providing an effective date."

RECEIVED FROM THE SENATE

H-1638 FILED APRIL 15, 1999

*House Concurred 4.27.99 (p.1752)*

H-1840

1 Amend the Senate amendment, H-1638, to House File  
2 696, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 5 through 18 and  
5 inserting the following:

6 "Sec. \_\_\_\_\_. Section 137F.1, subsection 8,  
7 paragraph f, Code 1999, is amended by striking the  
8 paragraph and inserting in lieu thereof the following:

9 f. Premises of a residence in which food that is  
10 nonpotentially hazardous is sold for consumption off  
11 the premises to a consumer customer, if the food is  
12 labeled to identify the name and address of the person  
13 preparing the food and the common name of the food.

14 Sec. \_\_\_\_\_. Section 137F.2, subsection 6, Code 1999,  
15 is amended to read as follows:

16 6. 3-201.11(B) shall be amended to allow food  
17 prepared by a home food establishment licensed under  
18 chapter 137D ~~or-by-an-operation-specified-under~~  
19 ~~section-137F:1, subsection-8, paragraph-"f",~~ to be  
20 used or offered for sale."

21 2. Page 1, by striking lines 33 through 35.

22 3. Page 1, by striking lines 36 through 45.

23 4. By striking page 3, line 21, through page 4,  
24 line 23.

25 5. Page 4, by inserting after line 35 the  
26 following:

27 "Sec. \_\_\_\_\_. Section 137D.9, Code 1999, is  
28 repealed."

29 6. Page 4, by striking lines 43 and 44 and  
30 inserting the following: "timber, removing a  
31 location".

32 7. Page 4, by striking lines 46 through 48 and  
33 inserting the following: "the possession of deer  
34 venison, providing for other properly".

By DRAKE of Pottawattamie  
'BRIE' of Boone  
HUSEMAN of Cherokee

H-1840 FILED APRIL 26, 1999

*Adopted*  
4-27-99  
(P. 1752)

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 696

S-3499

- 1 Amend the Senate amendment, H-1638, to House File  
2 696, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by striking lines 5 through 18 and  
5 inserting the following:  
6 "Sec. \_\_\_\_\_. Section 137F.1, subsection 8,  
7 paragraph f, Code 1999, is amended by striking the  
8 paragraph and inserting in lieu thereof the following:  
9 f. Premises of a residence in which food that is  
10 nonpotentially hazardous is sold for consumption off  
11 the premises to a consumer customer, if the food is  
12 labeled to identify the name and address of the person  
13 preparing the food and the common name of the food.  
14 Sec. \_\_\_\_\_. Section 137F.2, subsection 6, Code 1999,  
15 is amended to read as follows:  
16 6. 3-201.11(B) shall be amended to allow food  
17 prepared by a home food establishment licensed under  
18 chapter 137D ~~or-by-an-operation-specified-under~~  
19 ~~section-137F-17-subsection-87-paragraph-"f"~~, to be  
20 used or offered for sale."  
21 2. Page 1, by striking lines 33 through 35.  
22 3. Page 1, by striking lines 36 through 45.  
23 4. By striking page 3, line 21, through page 4,  
line 23.  
5. Page 4, by inserting after line 35 the  
6 following:  
7 "Sec. \_\_\_\_\_. Section 137D.9, Code 1999, is  
8 repealed."  
9 6. Page 4, by striking lines 43 and 44 and  
10 inserting the following: "timber, removing a  
11 location".  
12 7. Page 4, by striking lines 46 through 48 and  
13 inserting the following: "the possession of deer  
14 venison, providing for other properly".

RECEIVED FROM THE HOUSE

S-3499 FILED APRIL 27, 1999  
REFUSED TO CONCUR

(p. 1320)