

FEB 18 2004
Place On Calendar

HOUSE FILE 2294
BY COMMITTEE ON
NATURAL RESOURCES

(SUCCESSOR TO HSB 566)

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

A BILL FOR

1 An Act relating to certain activities and property under the
2 jurisdiction of the natural resource commission and the
3 department of natural resources, including leases and
4 easements of property and the issuance and suspension of
5 certain licenses.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7

HOUSE FILE 2294

H-8152

1 Amend House File 2294 as follows:
2 1. Page 3, by striking lines 3 and 4, and
3 inserting the following: "owner of a parcel of land
4 access to a public road if any of the".
5 2. Page 3, by striking lines 9 through 15, and
6 inserting the following:
7 "____. The parcel is otherwise surrounded by land
8 with a topography that makes access unreasonable."
9 3. Page 3, by inserting after line 17, the
10 following:
11 "____. A person entitled to access as provided in
12 this section may construct a road for automobile
13 traffic from the parcel to the public road. The owner
14 shall be responsible for constructing and maintaining
15 any private road from the parcel to the public road
16 which shall not be more than twenty feet in width
17 unless otherwise agree to by the parties."
18 4. By relettering and renumbering as necessary.

By BOGGESS of Page

H-8152 FILED MARCH 3, 2004

HF 2294

1 Section 1. Section 461A.25, unnumbered paragraph 1, Code
2 2003, is amended to read as follows:

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

29 Sec. 2. Section 481A.133, Code 2003, is amended to read as
30 follows:

31 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
32 PERMITS.

33 A person who is assessed damages pursuant to section
34 481A.130 shall immediately surrender all licenses,
35 certificates, and permits to hunt, fish, or trap in the state

1 to the department. The licenses, permits, and certificates,
2 and the privileges associated with them shall remain suspended
3 until the assessed damages and any accrued interest are paid
4 ~~or a payment schedule is established by the court in full.~~
5 Upon payment of the assessed damages and any accrued interest,
6 the suspension shall be lifted. ~~If a payment schedule is~~
7 ~~established, the suspension shall be lifted and remain so~~
8 ~~unless the person fails to make a payment pursuant to that~~
9 ~~schedule. Failure to make a payment shall cause the~~
10 ~~suspension to be renewed.~~ Interest shall begin to accrue as
11 of the date of judgment at a rate of ten percent per year.

12 Sec. 3. Section 483A.27, subsections 1 and 7, Code 2003,
13 are amended to read as follows:

14 1. A person born after January 1, ~~1967~~ 1972, shall not
15 obtain a hunting license unless the person has satisfactorily
16 completed a hunter safety and ethics education course approved
17 by the commission. A person who is eleven years of age or
18 more may enroll in an approved hunter safety and ethics
19 education course, but a person who is eleven years of age and
20 who has successfully completed the course shall be issued a
21 certificate of completion which becomes valid on the person's
22 twelfth birthday. A certificate of completion from an
23 approved hunter safety and ethics education course issued in
24 this state since 1960, by another state, or by a foreign
25 nation, is valid for the requirements of this section.

26 7. A hunting license obtained under this section by a
27 person who gave false information or presented a fraudulent
28 certificate of completion shall be revoked and a new hunting
29 license shall not be issued for at least two years from the
30 date of conviction. A hunting license obtained by a person
31 who was born after January 1, ~~1967~~ 1972, but has not
32 satisfactorily completed the hunter safety and ethics
33 education course or has not met the requirements established
34 by the commission, shall be revoked.

35 Sec. 4. NEW SECTION. 564.9 DEPARTMENT OF NATURAL

1 RESOURCES -- EASEMENT.

2 1. The department of natural resources shall grant the
3 owner of a parcel of land an easement to allow the owner
4 access from the parcel to a public road if any of the
5 following applies:

6 a. It is otherwise impossible for the owner to access the
7 public road because the parcel is surrounded by land held by
8 the department.

9 b. The parcel is otherwise surrounded by land with a
10 topography that makes access impracticable. The easement
11 shall reasonably provide access for automobile traffic from
12 the parcel to the public road without substantial improvement
13 by the owner. However, the owner shall be responsible for
14 constructing and maintaining any private road from the parcel
15 to the public road.

16 c. Access by another way would cause degradation or
17 destroy the integrity of the land.

18 EXPLANATION

19 This bill relates to certain activities under the
20 jurisdiction of the natural resource commission and the
21 department of natural resources.

22 Code section 461A.25 is amended to allow the director of
23 the department of natural resources, rather than the executive
24 council, to execute a lease of property under the jurisdiction
25 of the natural resource commission on behalf of the state and
26 the commission for a period of five years or less upon
27 approval by the commission. If a proposed lease of property
28 is for a period in excess of five years, the commission must
29 advertise for bids and accept bids and approve leases that the
30 commission determines are in the best interests of the state.

31 Code section 481A.133 is amended to provide that a person
32 who is assessed damages upon conviction of unlawfully selling,
33 taking, catching, killing, injuring, destroying, or possessing
34 an animal will have all hunting, fishing, and trapping
35 licenses suspended until the assessed damages and accrued

1 interest are paid in full. Currently, the suspension
2 continues until the assessed damages and interest are paid or
3 until a payment schedule is established by the court. This
4 provision is also amended to provide that interest shall
5 accrue as of the date of judgment at a rate of 10 percent per
6 year.

7 Code section 483A.27 is amended to provide that a person
8 does not have to provide proof of completion of a hunter
9 safety and ethics education course approved by the commission
10 in order to obtain a hunting license unless the person was
11 born after 1972 instead of after 1967. The bill provides that
12 a hunting license shall be revoked if the license was obtained
13 by a person who has not completed the hunter safety and ethics
14 education course and who was born after 1972 instead of after
15 1967.

16 New Code section 564.9 is created and applies to a parcel
17 of landlocked property. According to the provisions of the
18 bill, if the department of natural resources holds the
19 surrounding land, it must provide an easement to the owner of
20 the landlocked property if it is otherwise impossible for the
21 owner to access the public road because the parcel is
22 surrounded by land held by the department; the parcel is
23 otherwise surrounded by land with a topography that makes
24 access impracticable; or access by another way would cause
25 degradation or destroy the integrity of the land. The
26 easement must reasonably provide for automobile traffic from
27 the parcel to the public road, although it is the owner's
28 responsibility for constructing and maintaining any private
29 road there.

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Succeeded R:
SF **02294**

HSB 566
NATURAL RESOURCES

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

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

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EXPLANATION

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S.F. _____ H.F. _____

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32 1967.

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STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

To: General Assembly

From: Jeffrey R. Vonk, Director
Iowa Department of Natural Resources

Date: January 15, 2004

Re: Natural Resource Department and Commission Jurisdiction

This bill has three components that deal with department and commission authority. The first part of the bill deals with code that allows the DNR to suspend license privileges to violators. Many suspensions result in assessed damages that can be paid all at once or the can court establish a payment schedule. The option of allowing the court to establish a payment schedule has resulted in many violators re-establishing license privileges before the assessed damages are paid in full. This has resulted in violators making first payments, regaining license privileges, and then not paying the remainder of the assessed damages. This legislation would amend Iowa Code 481A.133 to require the assessed damages be paid in full prior to license privileges being restored, and also require interest at a rate of 10% from the date of judgement.

The second part of the proposed bill proposed to change the requirement of having to gain Executive Council approval for the authority to lease property under Natural Resource Commission jurisdiction upon the recommendation of the Commission. The DNR director has authority to enter into agricultural lease arrangements and an easement with a political subdivision or utility company. The proposed legislation would provide the director the same authority with leases, simplifying the administrative procedure and providing better customer service.

The third part of the proposed bill would amend the code to change the date requiring a hunter to be certified under the hunter education requirements from January 1, 1967, to January 1, 1972. For the first five years of the program, department files are not complete, making a determination as to whether an individual actually took the class difficult if not impossible to make. As a result of the poor historical records, the Electronic Licensing System (ELSI) does not ask for proof of hunter education for those first five years. This proposed legislation would bring the law in to compliance with how the department administers the law.