

FILED FEB 23 '05

NAT. RES. & ENVIRONMENT

SENATE FILE 2160

BY DEARDEN

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

A BILL FOR

1 An Act relating to approving the establishment of an open season
 2 for the taking and possession of mourning doves at a county
 3 general election and providing penalties.

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

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SF 2160
 NAT. RES. & ENVIRONMENT

1 Section 1. Section 481A.48, subsection 1, Code 2003, is
2 amended to read as follows:

3 1. No A person, except as otherwise provided by law, shall
4 not willfully disturb, pursue, shoot, kill, take, or attempt
5 to take or have in possession any of the following game birds
6 or animals except within the open season established by the
7 commission: Gray or fox squirrel, bobwhite quail, cottontail
8 or jack rabbit, duck, snipe, pheasant, goose, woodcock,
9 partridge, mourning dove, coot, rail, ruffed grouse, wild
10 turkey, pigeons, or deer. The seasons, bag limits, possession
11 limits, and locality shall be established by the department or
12 commission under the authority of sections 456A.24, 481A.38,
13 and 481A.39, except that the locality of an open season for
14 the taking and possession of mourning doves shall be
15 established by the commission only as provided in subsection
16 1A.

17 1A. a. An open season for mourning doves shall be
18 established by the commission in a county only if the county
19 electorate first approves the establishment of such an open
20 season at a general election. The board of supervisors, upon
21 receipt of a petition containing one hundred signatures, shall
22 direct the commissioner of elections to submit to the
23 registered voters of the county a proposition to approve or
24 disapprove the establishment by the commission of an open
25 season in the county for the taking and possession of mourning
26 doves. To be placed on the ballot at the next general
27 election, the petition must be received by the board of
28 supervisors at least five working days before the last day for
29 candidates for county offices to file nomination papers for
30 the general election pursuant to section 44.4. If a majority
31 of the county voters voting on the proposition favor the
32 establishment of an open season for the taking and possession
33 of mourning doves, the commission shall establish such an open
34 season in that county as provided in this section. If a
35 majority of the county voters voting on the proposition do not

1 favor the establishment of an open season for the taking and
2 possession of mourning doves, such an open season shall not be
3 established by the commission in that county.

4 b. Authority for an open season for the taking and
5 possession of mourning doves in a county may be subsequently
6 withdrawn by petition and election in the same manner as
7 provided in paragraph "a".

8 c. After a proposition for an open season on the taking
9 and possession of mourning doves has been approved or
10 disapproved in a county, another petition and election on such
11 a proposition shall not be held for at least two years.

12 EXPLANATION

13 This bill includes mourning doves among the game birds for
14 which the natural resource commission of the department of
15 natural resources shall establish an open season, bag limit,
16 and possession limit pursuant to Code sections 456A.24,
17 481A.38, and 481A.39. The bill provides that the locality of
18 an open season for the taking and possession of mourning doves
19 shall be established by the commission only as provided in the
20 bill.

21 The bill provides that an open season on the taking and
22 possession of mourning doves in a county shall be established
23 by the commission only if the open season is approved by the
24 county electorate at a general election. The bill provides
25 that the board of supervisors, upon receipt of a petition
26 containing 100 signatures that is received at least five
27 working days before the last day for candidates for county
28 offices to file nomination papers for the general election
29 pursuant to Code section 44.4, shall direct the commissioner
30 of elections to place the proposition on the ballot to approve
31 or disapprove the establishment by the natural resource
32 commission of an open season for the taking and possession of
33 mourning doves in the county. The bill provides that the
34 proposition shall be approved or disapproved by a majority of
35 the county voters voting on the proposition.

1 The bill provides that the authority for an open season for
2 the taking and possession of mourning doves may be
3 subsequently withdrawn by petition and election in the same
4 manner as is provided for approval of the authority. The bill
5 also provides that after a proposition to establish such an
6 open season has been approved or disapproved, another petition
7 and election cannot be held on such a proposition for at least
8 two years.

9 A person who unlawfully takes and possesses a mourning dove
10 is guilty of a scheduled violation punishable by a scheduled
11 fine of \$100 for out-of-season or over limit, or \$50 for
12 attempting to take a mourning dove pursuant to Code section
13 805.8B, subsection 3, paragraph "h".

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