

FEB 22 2006
WAYS AND MEANS

HOUSE FILE 2456
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 557)

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

A BILL FOR

1 An Act relating to regulation of the harvesting of commercial
2 fish, turtles, and freshwater mussels and providing for fees
3 and penalties.

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

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HF 2456

1 Section 1. Section 482.1, subsection 5, Code 2005, is
2 amended to read as follows:

3 5. Revoke the license of a licensee ~~and-the-licensee's~~
4 ~~designated-operators~~ for up to one year if the licensee ~~or-any~~
5 ~~designated-operator~~ has been convicted of a violation of
6 chapter 481A, 482, or 483A.

7 Sec. 2. Section 482.1, unnumbered paragraph 3, Code 2005,
8 is amended to read as follows:

9 Employees of the commission may lift and inspect any
10 commercial gear at any time when being used and may inspect
11 commercial catches, commercial markets, and landings, and
12 examine catch sale and purchase records of commercial fishers,
13 commercial turtle fishers, ~~and~~ commercial mussel fishers,
14 commercial fish buyers, commercial turtle buyers, and
15 commercial mussel buyers upon demand.

16 Sec. 3. Section 482.2, Code 2005, is amended to read as
17 follows:

18 482.2 DEFINITIONS.

19 As used in this chapter, unless the context otherwise
20 requires:

21 1. "Boundary waters" means the waters of the Mississippi,
22 Missouri, and Big Sioux rivers.

23 2. "Commercial fish buyer" means a person engaged in the
24 business of buying, selling, bartering, or trading fish, fish
25 eggs (roe), or fish parts.

26 3. "Commercial fish helper" means a person who assists a
27 commercial fisher in operating commercial gear or in taking,
28 attempting to take, possessing, processing, or transporting
29 commercial fish or turtles.

30 2- 4. "Commercial fisher" means a person who is licensed
31 to take, attempt to take, possess, process, transport, and
32 sell fish and turtles from waters of the state.

33 3- 5. "Commercial fishing" means taking, attempting to
34 take, possessing, processing, or transporting of fish or
35 turtles for the purpose of selling, bartering, exchanging,

1 offering, or exposing for sale.

2 4- 6. "Commercial gear" means the capturing equipment
3 used by commercial fishers, commercial turtle fishers, and
4 commercial mussel fishers.

5 7. "Commercial mussel buyer" means a person engaged in the
6 business of buying, selling, bartering, or trading freshwater
7 mussels or their parts.

8 5- 8. "Commercial mussel fisher" means a person who is
9 licensed to take, attempt to take, possess, process,
10 transport, and sell freshwater mussels from waters of the
11 state. ~~A-resident-commercial-mussel-license-holder-must-have~~
12 ~~resided-in-this-state-for-one-year-preceding-the-person's~~
13 ~~application-for-a-commercial-mussel-fishing-license.~~

14 6- 9. "Commercial mussel fishing" means taking,
15 attempting to take, possessing, processing, or transporting of
16 freshwater mussels for the purpose of selling, bartering,
17 exchanging, offering, or exposing for sale.

18 10. "Commercial mussel helper" means a person who assists
19 a commercial mussel fisher in operating commercial gear or in
20 taking, attempting to take, possessing, processing, or
21 transporting commercial mussels.

22 7- 11. "Commercial species" means species of fish,
23 turtles, and freshwater mussels which may be lawfully taken
24 and sold by commercial fishers, commercial turtle fishers, and
25 commercial mussel fishers, as established by rule by the
26 commission.

27 12. "Commercial turtle buyer" means a person engaged in
28 the business of buying, selling, bartering, or trading
29 turtles, turtle eggs, or turtle parts.

30 8- 13. "Commercial turtle fisher" means a person who is
31 licensed to take, attempt to take, possess, process,
32 transport, and sell turtles from the waters of the state.

33 9- 14. "Commercial turtle fishing" means taking,
34 attempting to take, possessing, processing, or transporting of
35 turtles for the purpose of selling, bartering, exchanging,

1 offering, or exposing for sale.

2 15. "Commercial turtle helper" means a person who assists
3 a commercial turtle fisher in operating commercial gear, or in
4 taking, attempting to take, possessing, processing, or
5 transporting commercial turtles.

6 ~~10-~~ 16. "Constant attendance" means the presence of a
7 commercial fisher or-a-designated-operator whenever commercial
8 gear is in use.

9 ~~11-~~ 17. "Director" means the director of the department
10 of natural resources, and the director's duly authorized
11 assistants, deputies, or agents.

12 ~~12-~~ 18. "Game fish" means all species and size categories
13 of fish not included as "commercial species" or minnows.

14 ~~13-~~ 19. "Inland waters of the state" means all public
15 waters of the state excluding the boundary waters of the
16 Mississippi, Big Sioux, and Missouri rivers.

17 ~~14-~~ 20. "Licensed commercial gear" means any commercial
18 gear that is licensed as provided in this chapter and that,
19 when in use, has attached the proper tags attached as provided
20 by this chapter.

21 ~~15-~~ 21. "Nonresident or alien" means a person who does
22 not qualify as a resident of-the-state-of-Iowa-either-because
23 of-a-bona-fide-residence-in-another-state-or-because-of
24 citizenship-of-a-country-other-than-the-United-States-
25 However,-"alien"-does-not-include-a-person-who-has-applied-for
26 naturalization-papers.

27 ~~16-~~ 22. "Resident" means a natural person who is-legally
28 subject-to-motor-vehicle-registration-and-driver's-license
29 laws-of-this-state,-or-who-is-qualified-to-vote-in-an-election
30 of-this-state-; meets any of the following criteria:

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

1 b. Is a nonresident under eighteen years of age whose
2 parent is a resident of this state.

3 c. Is a member of the armed forces of the United States
4 who is serving on active duty, claims residency in this state,
5 and has filed a state individual income tax return as a
6 resident pursuant to chapter 422, division II, for the
7 preceding tax year, or is stationed in this state.

8 d. Is registered to vote in this state.

9 A resident license shall be limited to persons who do not
10 claim any resident privileges, except as defined in paragraphs
11 "b", "c", and "d" of this subsection, in another state or
12 country. A person shall not purchase or apply for any
13 resident license or permit if that person has claimed
14 residency in any other state or country.

15 ~~17:~~ 23. "Waters of the state" means all of the waters
16 under the jurisdiction of the state.

17 Sec. 4. Section 482.4, Code 2005, is amended to read as
18 follows:

19 482.4 COMMERCIAL LICENSES AND GEAR TAGS.

20 1. A person shall not use or operate commercial gear
21 unless at least one individual at the site where the
22 commercial gear is being operated possesses an appropriate
23 valid commercial license~~7-or-a-designated-operator's-license.~~
24 A commercial license is valid from the date of issue to
25 January 10 of the succeeding calendar year.

26 ~~2.--A-commercial-fisher-may-designate-a-person-as-a~~
27 ~~designated-operator-to-lift-and-to-fish-with-any-licensed~~
28 ~~commercial-fishing-gear-owned-by-the-commercial-fisher.--A~~
29 ~~commercial-fisher-shall-not-have-more-than-five-designated~~
30 ~~operators.--A-designated-operator's-license-shall-be-assigned~~
31 ~~to-not-more-than-three-operators-during-a-year-and-a~~
32 ~~designated-operator's-license-shall-be-valid-for-use-only-by~~
33 ~~an-operator-who-possesses-the-license-and-has-signed-the~~
34 ~~license.--The-signature-of-any-preceding-designated-operator~~
35 ~~who-possessed-the-license-shall-be-crossed-out.--A-designated~~

1 ~~operator shall not lift or fish any commercial fishing gear~~
2 ~~without possessing a designated operator's license which is~~
3 ~~signed by the operator. -- A designated operator's license which~~
4 ~~is not signed by the operator in possession of the license is~~
5 ~~forfeited to the state.~~

6 3. ~~-- A boundary water annual sport trotline license permits~~
7 ~~the licensee to use a maximum of four trotlines with two~~
8 ~~hundred hooks in the aggregate. -- All boundary water sport~~
9 ~~trotlines shall be tagged with the name and address of the~~
10 ~~licensee on a metal tag affixed above the waterline.~~

11 4. 2. Commercial fishers and commercial turtle fishers
12 shall purchase gear tags from the commission to be affixed to
13 each piece of gear in use. Notwithstanding the fee rates for
14 gear tags of under subsection 7 5, the minimum fee for a gear
15 tag is five dollars. All tags are valid for ten years from
16 the date of issue. In addition to the gear tags, all gear
17 shall be tagged with a metal weather-resistant tag showing the
18 name and address of the licensee and whether the gear is fish
19 or turtle gear.

20 5. 3. All numbered fish gear tags are interchangeable
21 among the different types of commercial fishing gear.

22 6. 4. Annual license fees are as follows:

23	a. Commercial <u>fishing fisher</u> , resident.....	\$ 200.00
24	b. Commercial <u>fishing fisher</u> , nonresident.....	\$ 400.00
25	c. <u>Designated-operator Commercial fish helper</u> ,	
26	resident.....	\$ 50.00
27	d. <u>Designated-operator Commercial fish helper</u> ,	
28	nonresident.....	\$ 100.00
29	e. <u>Commercial fish buyer, resident</u>	\$ 200.00
30	f. <u>Commercial fish buyer, nonresident</u>	\$ 400.00
31	e. g. <u>Commercial turtle fisher</u> , resident.....	\$ 50.00
32	f. h. <u>Commercial turtle fisher</u> , nonresident.....	\$ 100.00
33	i. <u>Commercial turtle helper, resident</u>	\$ 25.00
34	j. <u>Commercial turtle helper, nonresident</u>	\$ 50.00
35	k. <u>Commercial turtle buyer, resident</u>	\$ 100.00

1	l.	Commercial turtle buyer, nonresident.....	\$ 200.00
2	g- m.	Commercial mussel fisher, resident.....	\$ 100.00
3	n.	Commercial mussel fisher, nonresident.....	\$2,500.00
4	o.	Commercial mussel helper, resident.....	\$ 50.00
5	p.	Commercial mussel helper, nonresident.....	\$ 200.00
6	h- q.	Commercial mussel buyer, resident.....	\$1,000.00
7	i- r.	Commercial mussel buyer, nonresident.....	\$5,000.00
8	j-	Boundary-water-sport-trotline, resident.....	\$--10.00
9	k-	Boundary-water-sport-trotline, nonresident.....	\$--20.00
10	l-	Commercial-mussel-fisher, nonresident.....	\$2,500.00
11	m-	Commercial-mussel-helper, resident.....	\$--50.00
12	n-	Commercial-mussel-helper, nonresident.....	\$--200.00

13 7- 5. Commercial fish gear tags are required on the
 14 following units of commercial fishing gear at the listed fee:

15	a.	Seine, resident, one gear tag for each 100	
16		feet or fraction thereof.....	\$ 1.00
17	b.	Seine, nonresident, one gear tag for each	
18		100 feet or fraction thereof.....	\$ 2.00
19	c.	Trammel net, resident, one gear tag for	
20		each 100 feet or fraction thereof.....	\$ 1.00
21	d.	Trammel net, nonresident, one gear tag	
22		for each 100 feet or fraction thereof.....	\$ 2.00
23	e.	Gill net, resident, one gear tag for each	
24		100 feet or fraction thereof.....	\$ 1.00
25	f.	Gill net, nonresident, one gear tag for each	
26		100 feet or fraction thereof.....	\$ 2.00
27	g.	Entrapment nets, resident, one gear tag	
28		per net.....	\$ 1.00
29	h.	Entrapment nets, nonresident, one gear	
30		tag per net.....	\$ 2.00
31	i.	Commercial trotline, resident, one gear tag	
32		for each 50 hooks or less.....	\$ 1.00
33	j.	Commercial trotline, nonresident, one gear	
34		tag for each 50 hooks or less.....	\$ 2.00

35 8- 6. Turtle trap gear tags are not interchangeable with

1 other commercial gear. Turtle trap gear tag fees are as
2 follows:

- 3 a. Commercial turtle trap, resident, one gear
- 4 tag per trap..... \$ 1.00
- 5 b. Commercial turtle trap, nonresident, one
- 6 gear tag per trap..... \$ 2.00

7 Sec. 5. Section 482.5, Code 2005, is amended to read as
8 follows:

9 482.5 COMMERCIAL GEAR.

10 It is lawful for a person who is legally licensed to
11 harvest commercial fish or turtles to use the commercial
12 fishing gear of a design, construction, size, season, and all
13 other criteria established by the commission for taking those
14 species of fish and turtles designated by the commission by
15 rule.

16 Sec. 6. Section 482.7, Code 2005, is amended to read as
17 follows:

18 482.7 GEAR ATTENDANCE.

19 The A commercial fisher, commercial turtle fisher, or
20 commercial mussel fisher licensee or-a-designated-operator
21 must be present when lifting commercial gear is operated. A
22 commercial fish helper, commercial turtle helper, or
23 commercial mussel helper shall not operate commercial gear
24 except under the direct supervision of the appropriate
25 commercial fisher, commercial turtle fisher, or commercial
26 mussel fisher. Commercial gear shall be lifted and emptied of
27 catch as provided by the rules of the commission. Constant
28 attendance by the ~~licensee-or-a-designated-operator~~ commercial
29 fisher of seines, trammel nets, and gill nets is required when
30 the gear is fished by driving, drive-seining, seining,
31 floating, or drifting methods. Officers of the commission
32 ~~shall~~ may grant a reasonable extension of gear attendance
33 intervals ~~in-cases-of-inclement-weather-or-unsafe-conditions~~
34 only upon the request of a commercial fisher, commercial
35 turtle fisher, or commercial mussel fisher who specifies why

1 an extension is necessary.

2 Sec. 7. Section 482.8, subsection 1, Code 2005, is amended
3 to read as follows:

4 1. It is lawful for licensed commercial fishers,
5 ~~designated-operators,~~ and commercial turtle fishers,~~and~~
6 ~~licensed-sport-trotline-fishers~~ to pursue, take, possess, and
7 transport any commercial fish or their parts, bait fish,
8 turtles, frogs, salamanders, leeches, crayfish, or any other
9 aquatic invertebrates for bait unless otherwise prohibited by
10 law.

11 Sec. 8. Section 482.9, subsection 4, Code 2005, is amended
12 to read as follows:

13 4. For a person to lift or to fish licensed commercial
14 gear of another person, except by the licensee ~~and-the~~
15 ~~licensee's-designated-operators.~~

16 Sec. 9. Section 482.10, Code 2005, is amended to read as
17 follows:

18 482.10 ~~SALE-OF~~ COMMERCIAL FISH.

19 1. ~~A-person-possessing-a~~ All persons who commercially
20 take, attempt to take, possess, process, transport, sell, or
21 buy fish or their parts shall possess an appropriate, valid
22 commercial fishing license or-designated-operator's-license
23 may-possess-and-sell-any-commercial-fish,-turtles,-or
24 freshwater-mussels,-or-their-parts,-which-have-been-lawfully
25 taken.

26 a. A commercial fisher license is required to operate
27 commercial fishing gear and to take, attempt to take, possess,
28 process, transport, or sell any commercial fish, commercial
29 turtles, or their parts. A commercial fisher is not permitted
30 to buy commercial fish, commercial turtles, or their parts.

31 b. A commercial fish helper license is required to assist
32 a commercial fisher in operating commercial fishing gear, and
33 in taking, attempting to take, possessing, processing, or
34 transporting commercial fish, commercial turtles, or their
35 parts. A commercial fish helper is not permitted to buy or

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1 sell commercial fish, commercial turtles, or their parts.

2 c. A commercial fish buyer license is required to buy and
3 sell commercial fish or their parts. Restaurants; licensed
4 premises where alcoholic beverages, wine, or beer are sold or
5 consumed under authority of a liquor control license, wine
6 permit, or beer permit; and public benefit corporations exempt
7 under section 501(c)(3) of the Internal Revenue Code, or any
8 successor section, that purchase commercial fish or their
9 parts for retail sale and human consumption on their premises
10 are not required to obtain a commercial fish buyer license.

11 2. All intrastate and interstate shipments of commercial
12 fish or turtles must be accompanied by a label which shows the
13 name and address of the seller and the kinds and pounds of the
14 catches being sold. ~~Individuals purchasing fish, turtles, or~~
15 ~~mussels from a commercial fisher, turtle fisher, or mussel~~
16 ~~fisher need not possess a license.~~

17 Sec. 10. Section 482.11, subsection 1, Code 2005, is
18 amended to read as follows:

19 1. ~~A person shall not~~ All persons who commercially take,
20 attempt to take, possess, or process, transport, sell, or buy
21 turtles from the waters of the state without or their parts
22 shall possess an appropriate, valid commercial license.

23 a. ~~A valid sport fishing~~ commercial turtle fisher license
24 entitles a person is required to operate commercial turtle
25 fishing gear and to take and, attempt to take, possess a
26 maximum of one hundred pounds of live turtles or fifty pounds
27 of dressed, process, transport, or sell commercial turtles or
28 their parts. The sale of live or dressed turtles is not
29 permitted with a sport fishing license. A commercial turtle
30 fisher is not permitted to buy commercial turtles or their
31 parts. Nonresident turtle fishers shall harvest turtles only
32 from the boundary waters.

33 b. A commercial turtle helper license is required to take
34 ~~and possess more than one hundred pounds of live or fifty~~
35 ~~pounds of dressed turtles. The holder of a~~ assist a

1 ~~commercial turtle license-may-sell-live-or-dressed~~ fisher in
2 operating commercial turtle fishing gear, and in taking,
3 attempting to take, possessing, processing, or transporting
4 commercial turtles or their parts. A commercial turtle helper
5 is not permitted to buy or sell turtles or their parts.

6 c. A commercial fishing fisher license ~~or-a-designated~~
7 ~~operator's-license~~ entitles commercial fishers to operate any
8 licensed commercial fishing gear ~~for-taking, possessing, or~~
9 selling and to take, possess, and sell turtles taken with such
10 commercial fishing gear.

11 d. ~~An-individual-possessing-a-valid~~ A commercial turtle
12 buyer license may-have-the-assistance-of-one-unlicensed
13 ~~individual-in-the~~ is required to buy and sell commercial
14 ~~taking-of~~ turtles or their parts. Restaurants; licensed
15 premises where alcoholic beverages, wine, or beer are sold or
16 consumed under authority of a liquor control license, wine
17 permit, or beer permit; and public benefit corporations exempt
18 under section 501(c)(3) of the Internal Revenue Code, or any
19 successor section, that purchase commercial turtles for retail
20 sale and human consumption on their premises are not required
21 to obtain a commercial turtle buyer license.

22 Sec. 11. Section 482.11, subsection 3, Code 2005, is
23 amended to read as follows:

24 3. The method of taking turtles shall only be by hand,
25 turtle hook, turtle trap, licensed commercial fishing gear, or
26 other means designated by commission rules. ~~Sport-fishers-may~~
27 ~~also-use-hook-and-line-in-catching-turtles.~~

28 Sec. 12. Section 482.11, subsection 4, Code 2005, is
29 amended by striking the subsection.

30 Sec. 13. Section 482.12, subsection 1, Code 2005, is
31 amended to read as follows:

32 1. ~~A-person-shall-not~~ All persons who commercially take,
33 attempt to take, possess, process, transport, buy, or sell
34 freshwater mussels from-the-waters-of-the-state-without or
35 their parts shall possess an appropriate, valid commercial

1 license.

2 ~~a. A sport fishing license entitles a person to take and~~
3 ~~possess a maximum amount of mussels or shells daily as~~
4 ~~authorized by rule of the department or commission under the~~
5 ~~authority of sections 456A.24, 481A.38, 481A.39, and 482.1.~~

6 ~~b.~~ a. A commercial mussel fisher license is required to
7 operate commercial mussel fishing gear and to take more than
8 twenty pounds of mussels or shells daily, or possess more than
9 twenty pounds of mussels or shells. The holder of a
10 commercial mussel fisher license may sell mussels or shells.

11 ~~c.~~ b. A commercial mussel buyer license is required to
12 buy, sell, barter, or trade freshwater mussels or shells.

13 ~~d.~~ c. A commercial mussel helper license is required to
14 assist commercial mussel fishers in the taking, attempting to
15 take, possessing, processing, or transporting of commercial
16 freshwater mussels. The taking or sale of mussels or shells
17 is not permitted with a commercial mussel helper license.

18 Sec. 14. Section 482.14, Code 2005, is amended to read as
19 follows:

20 482.14 REPORTS REQUIRED.

21 1. All commercial fishers, commercial turtle fishers, and
22 commercial mussel fishers, and commercial mussel buyers shall
23 submit a monthly report supplying all information requested on
24 forms furnished by the commission. Reports must be received
25 by the commission no later than the fifteenth day of the
26 following month.

27 2. Commercial fish buyers, commercial turtle buyers, and
28 commercial mussel buyers shall maintain accurate records of
29 all their transactions. The records shall contain the number,
30 weight, and species of fish, turtles, or mussels purchased,
31 the name and address of the seller, and the county or pools
32 where the fish, turtles, or mussels were taken. The records
33 shall be updated within seventy-two hours of each transaction.
34 Each buyer shall submit a monthly report supplying all
35 information requested on forms furnished by the commission

1 Reports must be received by the commission no later than the
2 fifteenth day of the following month.

3 3. Commercial fish buyers, commercial turtle buyers, and
4 commercial mussel buyers shall utilize a two-part receipt for
5 each purchase of commercial species. One copy of the receipt
6 shall be kept by the commercial buyer and one copy of the
7 receipt shall be given to the person selling the commercial
8 species. Commercial buyers and sellers shall each retain
9 their copies of the receipts for five years following the date
10 of the transaction.

11 4. Facilities and records of commercial fish buyers,
12 commercial turtle buyers, and commercial mussel buyers shall
13 be open at all reasonable times for inspection by any
14 conservation officer.

15 Sec. 15. Section 483A.1, subsection 1, Code Supplement
16 2005, is amended by adding the following new paragraph:

17 NEW PARAGRAPH. u. Boundary waters sport trotline,
18 annual.....\$ 20.50

19 Sec. 16. Section 483A.1, subsection 2, Code Supplement
20 2005, is amended by adding the following new paragraph:

21 NEW PARAGRAPH. w. Boundary waters sport trotline,
22 annual.....\$ 40.50

23 Sec. 17. Section 483A.1A, Code 2005, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 0A. "Boundary waters" means the waters of
26 the Mississippi, Missouri, and Big Sioux rivers.

27 Sec. 18. NEW SECTION. 483A.28 NONCOMMERCIAL HARVEST OF
28 AQUATIC SPECIES.

29 1. A boundary waters annual sport trotline license
30 entitles the licensee to use a maximum of four trotlines with
31 two hundred hooks in the aggregate, only on boundary waters.
32 All boundary waters sport trotlines shall be tagged with the
33 name and address of the licensee on a weather-resistant tag
34 provided by the licensee and affixed above the waterline. A
35 boundary waters sport trotline licensee is not permitted to

1 sell fish or turtles taken pursuant to the license.

2 2. A valid fishing license issued pursuant to this chapter
3 entitles the licensee to take and possess a maximum of one
4 hundred pounds of live turtles or fifty pounds of dressed
5 turtles. Any unattended fishing gear used to take turtles
6 pursuant to a fishing license shall be tagged with the name
7 and address of the licensee on a weather-resistant tag
8 provided by the licensee and affixed above the waterline. A
9 fishing licensee is not permitted to sell live or dressed
10 turtles taken pursuant to the license.

11 3. A valid fishing license issued pursuant to this chapter
12 entitles the licensee to take and possess a maximum amount of
13 mussels or shells daily as authorized by rule of the
14 department or commission under the authority of sections
15 456A.24, 481A.38, 481A.39, and 482.1. A fishing licensee is
16 not permitted to sell freshwater mussels or shells taken
17 pursuant to the license.

18 Sec. 19. Section 805.8B, subsection 3, paragraph n, Code
19 2005, is amended to read as follows:

20 n. For violations of section 482.11 relating to turtles:
21 ~~(1)--For-commercial-turtle-violations,~~ the scheduled fine
22 is one hundred dollars.

23 ~~(2)--For-sport-turtle-violations, the scheduled fine is~~
24 ~~fifty-dollars.~~

25 Sec. 20. Section 805.8B, subsection 3, paragraph o, Code
26 2005, is amended to read as follows:

27 o. For violations of section 482.12 relating to mussels:
28 ~~(1)--For-commercial-mussel-violations,~~ the scheduled fine
29 is one hundred dollars.

30 ~~(2)--For-sport-mussel-violations, the scheduled fine is~~
31 ~~fifty-dollars.~~

32 Sec. 21. Section 805.8B, subsection 3, Code 2005, is
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. qq. For violations of section 483A.28,
35 other than license violations, the scheduled fine is twenty-

1 five dollars.

2

EXPLANATION

3 This bill relates to the regulation under Code chapter 482
4 of the harvesting of commercial fish, turtles, and freshwater
5 mussels by residents and nonresidents and provides for license
6 fees and penalties.

7 The bill requires a person involved in taking, attempting
8 to take, possessing, selling, or buying commercial fish,
9 turtles, or freshwater mussels to obtain an appropriate, valid
10 commercial license. A commercial fisher licensee, operating
11 commercial fishing gear, is allowed to take and sell
12 commercial turtles. Commercial fisher licensees and
13 commercial turtle licensees are allowed to take any commercial
14 fish, bait fish, turtles, frogs, salamanders, leeches,
15 crayfish, or any other aquatic invertebrates for bait unless
16 otherwise prohibited by law.

17 A commercial fisher, commercial turtle fisher, or
18 commercial mussel fisher licensee is not permitted to buy
19 commercial fish, turtles, or mussels. Nonresident turtle
20 fishers are permitted to harvest turtles only from the
21 boundary waters, that is, the waters of the Mississippi,
22 Missouri, and Big Sioux rivers.

23 Commercial turtle fisher license fees remain \$50 for
24 residents and \$100 for nonresidents.

25 Licenses are required for commercial fish helpers, turtle
26 helpers, or mussel helpers to assist a commercial fisher,
27 turtle fisher, or mussel fisher in operation of the
28 appropriate commercial gear and in taking, attempting to take,
29 possessing, processing, or transporting commercial fish,
30 turtles, or mussels. A commercial fish helper, turtle helper,
31 or mussel helper is not permitted to buy or sell commercial
32 fish, turtles, or mussels, respectively.

33 The commercial fish helper licenses are in lieu of the
34 designated operator licenses that were previously available
35 and cost \$50 for residents and \$100 for nonresidents. The new

1 commercial turtle helper licenses are \$25 for residents and
2 \$50 for nonresidents. Commercial mussel helper licenses
3 remain the same at \$50 for residents and \$200 for
4 nonresidents.

5 Licenses are required for commercial fish buyers, turtle
6 buyers, or mussel buyers to buy and sell commercial fish,
7 turtles, or mussels. A restaurant, licensed premises where
8 alcoholic beverages, wine, or beer are sold or consumed, or a
9 nonprofit corporation may buy commercial fish or turtles for
10 retail sale and human consumption on their premises without
11 purchasing a fish or turtle buyer license.

12 The new commercial fish buyer licenses cost \$200 for
13 residents and \$400 for nonresidents. The new turtle buyer
14 licenses cost \$100 for residents and \$200 for nonresidents.
15 Commercial mussel buyer licenses remain available at \$1,000
16 for residents and \$5,000 for nonresidents.

17 The bill provides that a commercial fisher, turtle fisher,
18 or mussel fisher must be present when commercial gear is being
19 operated. A commercial fish helper, turtle helper, or mussel
20 helper is not permitted to operate commercial gear except
21 under the direct supervision of the appropriate commercial
22 fisher, turtle fisher, or mussel fisher. A commercial fisher
23 must be present when certain specified commercial gear is in
24 use. The natural resource commission may grant a reasonable
25 extension of gear attendance intervals only upon the request
26 of a commercial fisher, turtle fisher, or mussel fisher who
27 specifies why an extension is necessary.

28 The bill requires all commercial fishers, turtle fishers,
29 and mussel fishers to submit a monthly report supplying all
30 information requested by the natural resource commission.

31 The bill requires all commercial fish buyers, turtle
32 buyers, and mussel buyers to maintain accurate records of all
33 their transactions, including specified information, updated
34 within 72 hours of each transaction, and submitted monthly to
35 the natural resource commission.

1 The bill also requires commercial fish, turtle, and mussel
2 buyers to use a two-part receipt with the buyer and seller
3 each retaining a copy of the receipt for five years following
4 the transaction. Facilities and records of such buyers must
5 be open at all reasonable times for inspection by conservation
6 officers.

7 The penalty for a violation of the commercial fishing
8 provisions contained in Code chapter 482 is a scheduled fine
9 of \$100 unless another fine is otherwise specified.

10 The bill moves language concerning boundary waters sport
11 trotline licenses from Code chapter 482 to Code chapter 483A
12 and increases the annual fee for such a license from \$10 to
13 \$20 for residents and from \$20 to \$40 for nonresidents.

14 The bill moves language concerning the use of boundary
15 waters sports trotline licenses from Code section 482.4 to new
16 Code section 483A.28 and allows such a licensee to use a
17 maximum of four trotlines with 200 hooks in the aggregate,
18 only on boundary waters, which are properly tagged with the
19 licensee's name and address. A boundary waters sport trotline
20 licensee is not permitted to sell fish or turtles taken
21 pursuant to the license.

22 The bill moves language concerning the taking and
23 possessing of turtles with a sport fishing license from Code
24 section 482.11 to new Code section 483A.28 and allows such a
25 licensee to take and possess a maximum of 100 pounds of live
26 turtles or 50 pounds of dressed turtles, using fishing gear
27 that is properly tagged with the licensee's name and address.
28 A sport fishing licensee is not permitted to sell live or
29 dressed turtles taken pursuant to the license.

30 The bill also moves language concerning the taking and
31 possessing of mussels or shells with a sport fishing license
32 from Code section 482.12 to new Code section 483A.28 and
33 allows such a licensee to take and possess a maximum amount of
34 mussels or shells daily as is authorized by the natural
35 resource commission by rule. A sport fishing licensee is not

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1 permitted to sell mussels or shells taken pursuant to the
2 license.

3 The penalty for unlawfully taking turtles or mussels with a
4 sport fishing license under new Code section 483A.28 is a
5 scheduled fine of \$50 for residents and \$70 for nonresidents
6 pursuant to Code section 805.8B, subsection 3, paragraph "p".
7 Previously, the scheduled fine for sport turtle or sport
8 mussel violations was \$50 for residents and nonresidents. The
9 bill adds a new paragraph to Code section 805.8B, subsection
10 3, providing that for violations of new Code section 483A.28,
11 other than license violations, the scheduled fine is \$25.
12 This language is similar to the penalty for gear tag
13 violations involving commercial licenses that is contained in
14 Code section 805.8B, subsection 3, paragraph "m", and is also
15 a scheduled fine of \$25.

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Van Fossen - CH
Reichert, Wilderdyke

HSB 557
NATURAL RESOURCES

SENATE/HOUSE FILE SF 2456 ^{red By}
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 regulation of the harvesting of commercial
2 fish, turtles, and freshwater mussels and providing for fees
3 and penalties.

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

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1 Section 1. Section 482.1, subsection 5, Code 2005, is
2 amended to read as follows:

3 5. Revoke the license of a licensee ~~and the licensee's~~
4 ~~designated-operators~~ for up to one year if the licensee ~~or any~~
5 ~~designated-operator~~ has been convicted of a violation of
6 chapter 481A, 482, or 483A.

7 Sec. 2. Section 482.1, unnumbered paragraph 3, Code 2005,
8 is amended to read as follows:

9 Employees of the commission may lift and inspect any
10 commercial gear at any time when being used and may inspect
11 commercial catches, commercial markets, and landings, and
12 examine catch sale and purchase records of commercial fishers,
13 commercial turtle fishers, and commercial mussel fishers,
14 commercial fish buyers, commercial turtle buyers, and
15 commercial mussel buyers upon demand.

16 Sec. 3. Section 482.2, Code 2005, is amended to read as
17 follows:

18 482.2 DEFINITIONS.

19 As used in this chapter, unless the context otherwise
20 requires:

21 1. "Boundary waters" means the waters of the Mississippi,
22 Missouri, and Big Sioux rivers.

23 2. "Commercial fish buyer" means a person engaged in the
24 business of buying, selling, bartering, or trading fish, fish
25 eggs (roe), or fish parts.

26 3. "Commercial fish helper" means a person who assists a
27 commercial fisher in operating commercial gear or in taking,
28 attempting to take, possessing, processing, or transporting
29 commercial fish or turtles.

30 2. 4. "Commercial fisher" means a person who is licensed
31 to take, attempt to take, possess, process, transport, and
32 sell fish and turtles from waters of the state.

33 3. 5. "Commercial fishing" means taking, attempting to
34 take, possessing, processing, or transporting of fish or
35 turtles for the purpose of selling, bartering, exchanging,

1 offering, or exposing for sale.

2 4- 6. "Commercial gear" means the capturing equipment
3 used by commercial fishers, commercial turtle fishers, and
4 commercial mussel fishers.

5 7. "Commercial mussel buyer" means a person engaged in the
6 business of buying, selling, bartering, or trading freshwater
7 mussels or their parts.

8 5- 8. "Commercial mussel fisher" means a person who is
9 licensed to take, attempt to take, possess, process,
10 transport, and sell freshwater mussels from waters of the
11 state. ~~A-resident-commercial-mussel-license-holder-must-have~~
12 ~~resided-in-this-state-for-one-year-preceding-the-person's~~
13 ~~application-for-a-commercial-mussel-fishing-license.~~

14 6- 9. "Commercial mussel fishing" means taking,
15 attempting to take, possessing, processing, or transporting of
16 freshwater mussels for the purpose of selling, bartering,
17 exchanging, offering, or exposing for sale.

18 10. "Commercial mussel helper" means a person who assists
19 a commercial mussel fisher in operating commercial gear or in
20 taking, attempting to take, possessing, processing, or
21 transporting commercial mussels.

22 7- 11. "Commercial species" means species of fish,
23 turtles, and freshwater mussels which may be lawfully taken
24 and sold by commercial fishers, commercial turtle fishers, and
25 commercial mussel fishers, as established by rule by the
26 commission.

27 12. "Commercial turtle buyer" means a person engaged in
28 the business of buying, selling, bartering, or trading
29 turtles, turtle eggs, or turtle parts.

30 8- 13. "Commercial turtle fisher" means a person who is
31 licensed to take, attempt to take, possess, process,
32 transport, and sell turtles from the waters of the state.

33 9- 14. "Commercial turtle fishing" means taking,
34 attempting to take, possessing, processing, or transporting of
35 turtles for the purpose of selling, bartering, exchanging,

1 offering, or exposing for sale.

2 15. "Commercial turtle helper" means a person who assists
3 a commercial turtle fisher in operating commercial gear, or in
4 taking, attempting to take, possessing, processing, or
5 transporting commercial turtles.

6 ~~10-~~ 16. "Constant attendance" means the presence of a
7 commercial fisher or-a-designated-operator whenever commercial
8 gear is in use.

9 ~~11-~~ 17. "Director" means the director of the department
10 of natural resources, and the director's duly authorized
11 assistants, deputies, or agents.

12 ~~12-~~ 18. "Game fish" means all species and size categories
13 of fish not included as "commercial species" or minnows.

14 ~~13-~~ 19. "Inland waters of the state" means all public
15 waters of the state excluding the boundary waters of the
16 Mississippi, Big Sioux, and Missouri rivers.

17 ~~14-~~ 20. "Licensed commercial gear" means any commercial
18 gear that is licensed as provided in this chapter and that,
19 when in use, has attached the proper tags attached as provided
20 by this chapter.

21 ~~15-~~ 21. "Nonresident or alien" means a person who does
22 not qualify as a resident of-the-state-of-Iowa-either-because
23 of-a-bona-fide-residence-in-another-state-or-because-of
24 citizenship-of-a-country-other-than-the-United-States-
25 However,-"alien"-does-not-include-a-person-who-has-applied-for
26 naturalization-papers.

27 ~~16-~~ 22. "Resident" means a natural person who is-legally
28 subject-to-motor-vehicle-registration-and-driver's-license
29 laws-of-this-state,-or-who-is-qualified-to-vote-in-an-election
30 of-this-state- meets any of the following criteria:

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

1 b. Is a nonresident under eighteen years of age whose
2 parent is a resident of this state.

3 c. Is a member of the armed forces of the United States
4 who is serving on active duty, claims residency in this state,
5 and has filed a state individual income tax return as a
6 resident pursuant to chapter 422, division II, for the
7 preceding tax year, or is stationed in this state.

8 d. Is registered to vote in this state.

9 A resident license shall be limited to persons who do not
10 claim any resident privileges, except as defined in paragraphs
11 "b", "c", and "d" of this subsection, in another state or
12 country. A person shall not purchase or apply for any
13 resident license or permit if that person has claimed
14 residency in any other state or country.

15 ~~17~~ 23. "Waters of the state" means all of the waters
16 under the jurisdiction of the state.

17 Sec. 4. Section 482.4, Code 2005, is amended to read as
18 follows:

19 482.4 COMMERCIAL LICENSES AND GEAR TAGS.

20 1. A person shall not use or operate commercial gear
21 unless at least one individual at the site where the
22 commercial gear is being operated possesses an appropriate
23 valid commercial license~~7-or-a-designated-operator's-license.~~
24 A commercial license is valid from the date of issue to
25 January 10 of the succeeding calendar year.

26 ~~2.--A-commercial-fisher-may-designate-a-person-as-a~~
27 ~~designated-operator-to-lift-and-to-fish-with-any-licensed~~
28 ~~commercial-fishing-gear-owned-by-the-commercial-fisher.--A~~
29 ~~commercial-fisher-shall-not-have-more-than-five-designated~~
30 ~~operators.--A-designated-operator's-license-shall-be-assigned~~
31 ~~to-not-more-than-three-operators-during-a-year-and-a~~
32 ~~designated-operator's-license-shall-be-valid-for-use-only-by~~
33 ~~an-operator-who-possesses-the-license-and-has-signed-the~~
34 ~~license.--The-signature-of-any-preceding-designated-operator~~
35 ~~who-possessed-the-license-shall-be-crossed-out.--A-designated~~

1 ~~operator shall not lift or fish any commercial fishing gear~~
 2 ~~without possessing a designated operator's license which is~~
 3 ~~signed by the operator.--A designated operator's license which~~
 4 ~~is not signed by the operator in possession of the license is~~
 5 ~~forfeited to the state.~~

6 3.--A boundary water annual sport trotline license permits
 7 the licensee to use a maximum of four trotlines with two
 8 hundred hooks in the aggregate.--All boundary water sport
 9 trotlines shall be tagged with the name and address of the
 10 licensee on a metal tag affixed above the waterline.

11 4. 2. Commercial fishers and commercial turtle fishers
 12 shall purchase gear tags from the commission to be affixed to
 13 each piece of gear in use. Notwithstanding the fee rates for
 14 gear tags of under subsection 7 5, the minimum fee for a gear
 15 tag is five dollars. All tags are valid for ten years from
 16 the date of issue. In addition to the gear tags, all gear
 17 shall be tagged with a metal weather-resistant tag showing the
 18 name and address of the licensee and whether the gear is fish
 19 or turtle gear.

20 5. 3. All numbered fish gear tags are interchangeable
 21 among the different types of commercial fishing gear.

22 6. 4. Annual license fees are as follows:

23	a. Commercial fishing <u>fisher</u> , resident.....	\$ 200.00
24	b. Commercial fishing <u>fisher</u> , nonresident.....	\$ 400.00
25	c. <u>Designated-operator Commercial fish helper</u> ,	
26	resident.....	\$ 50.00
27	d. <u>Designated-operator Commercial fish helper</u> ,	
28	nonresident.....	\$ 100.00
29	e. <u>Commercial fish buyer, resident.....</u>	\$ 250.00
30	f. <u>Commercial fish buyer, nonresident.....</u>	\$ 500.00
31	e. g. Commercial turtle <u>fisher</u> , resident.....	\$ 50.00
32		<u>200.00</u>
33	f. h. Commercial turtle <u>fisher</u> , nonresident.....	\$ 100.00
34		<u>400.00</u>
35	i. <u>Commercial turtle helper, resident.....</u>	\$ 50.00

1	<u>j.</u> Commercial turtle helper, nonresident.....	\$ 100.00
2	<u>k.</u> Commercial turtle buyer, resident.....	\$ 250.00
3	<u>l.</u> Commercial turtle buyer, nonresident.....	\$ 500.00
4	g <u>m.</u> Commercial mussel fisher, resident.....	\$ 100.00
5	<u>n.</u> Commercial mussel fisher, nonresident.....	\$2,500.00
6	<u>o.</u> Commercial mussel helper, resident.....	\$ 50.00
7	<u>p.</u> Commercial mussel helper, nonresident.....	\$ 200.00
8	h <u>q.</u> Commercial mussel buyer, resident.....	\$1,000.00
9	i <u>r.</u> Commercial mussel buyer, nonresident.....	\$5,000.00
10	j ---Boundary-water-sport-trotline, resident.....	---\$10.00
11	k ---Boundary-water-sport-trotline, nonresident.....	---\$20.00
12	l ---Commercial-mussel-fisher, nonresident.....	---\$2,500.00
13	m ---Commercial-mussel-helper, resident.....	---\$50.00
14	n ---Commercial-mussel-helper, nonresident.....	---\$200.00
15	7 <u>5.</u> Commercial fish gear tags are required on the	
16	following units of commercial fishing gear at the listed fee:	
17	a. Seine, resident, one gear tag for each 100	
18	feet or fraction thereof.....	\$ 1.00
19	b. Seine, nonresident, one gear tag for each	
20	100 feet or fraction thereof.....	\$ 2.00
21	c. Trammel net, resident, one gear tag for	
22	each 100 feet or fraction thereof.....	\$ 1.00
23	d. Trammel net, nonresident, one gear tag	
24	for each 100 feet or fraction thereof.....	\$ 2.00
25	e. Gill net, resident, one gear tag for each	
26	100 feet or fraction thereof.....	\$ 1.00
27	f. Gill net, nonresident, one gear tag for each	
28	100 feet or fraction thereof.....	\$ 2.00
29	g. Entrapment nets, resident, one gear tag	
30	per net.....	\$ 1.00
31	h. Entrapment nets, nonresident, one gear	
32	tag per net.....	\$ 2.00
33	i. Commercial trotline, resident, one gear tag	
34	for each 50 hooks or less.....	\$ 1.00
35	j. Commercial trotline, nonresident, one gear	

1 tag for each 50 hooks or less..... \$ 2.00

2 8- 6. Turtle trap gear tags are not interchangeable with
3 other commercial gear. Turtle trap gear tag fees are as
4 follows:

5 a. Commercial turtle trap, resident, one gear
6 tag per trap..... \$ 1.00

7 b. Commercial turtle trap, nonresident, one
8 gear tag per trap..... \$ 2.00

9 Sec. 5. Section 482.5, Code 2005, is amended to read as
10 follows:

11 482.5 COMMERCIAL GEAR.

12 It is lawful for a person who is legally licensed to
13 harvest commercial fish or turtles to use the commercial
14 fishing gear of a design, construction, size, season, and all
15 other criteria established by the commission for taking those
16 species of fish and turtles designated by the commission by
17 rule.

18 Sec. 6. Section 482.7, Code 2005, is amended to read as
19 follows:

20 482.7 GEAR ATTENDANCE.

21 The A commercial fisher, commercial turtle fisher, or
22 commercial mussel fisher licensee or-a-designated-operator
23 must be present when lifting commercial gear is operated. A
24 commercial fish helper, commercial turtle helper, or
25 commercial mussel helper shall not operate commercial gear
26 except under the direct supervision of the appropriate
27 commercial fisher, commercial turtle fisher, or commercial
28 mussel fisher. Commercial gear shall be lifted and emptied of
29 catch as provided by the rules of the commission. Constant
30 attendance by the ~~licensee-or-a-designated-operator~~ commercial
31 fisher of seines, trammel nets, and gill nets is required when
32 the gear is fished by driving, drive-seining, seining,
33 floating, or drifting methods. Officers of the commission
34 ~~shall~~ may grant a reasonable extension of gear attendance
35 intervals ~~in-cases-of-inclement-weather-or-unsafe-conditions~~

1 only upon the request of a commercial fisher, commercial
2 turtle fisher, or commercial mussel fisher who specifies why
3 an extension is necessary.

4 Sec. 7. Section 482.8, subsection 1, Code 2005, is amended
5 to read as follows:

6 1. It is lawful for licensed commercial fishers,
7 ~~designated-operators,~~ and commercial turtle fishers,~~and~~
8 ~~licensed-sport-trotline-fishers~~ to pursue, take, possess, and
9 transport any commercial fish or their parts, bait fish,
10 turtles, frogs, salamanders, leeches, crayfish, or any other
11 aquatic invertebrates for bait unless otherwise prohibited by
12 law.

13 Sec. 8. Section 482.9, subsection 4, Code 2005, is amended
14 to read as follows:

15 4. For a person to lift or to fish licensed commercial
16 gear of another person, except by the licensee ~~and-the~~
17 ~~licensee's-designated-operators.~~

18 Sec. 9. Section 482.10, Code 2005, is amended to read as
19 follows:

20 482.10 ~~SALE-OF~~ COMMERCIAL FISH.

21 1. ~~A-person-possessing-a~~ All persons who commercially
22 take, attempt to take, possess, process, transport, sell, or
23 buy fish or their parts shall possess an appropriate, valid
24 commercial fishing license or-designated-operator's-license
25 ~~may-possess-and-sell-any-commercial-fish,-turtles,-or~~
26 ~~freshwater-mussels,-or-their-parts,-which-have-been-lawfully~~
27 ~~taken.~~

28 a. A commercial fisher license is required to operate
29 commercial fishing gear and to take, attempt to take, possess,
30 process, transport, or sell any commercial fish, commercial
31 turtles, or their parts. A commercial fisher is not permitted
32 to buy commercial fish, commercial turtles, or their parts.

33 b. A commercial fish helper license is required to assist
34 a commercial fisher in operating commercial fishing gear, and
35 in taking, attempting to take, possessing, processing, or

1 transporting commercial fish, commercial turtles, or their
2 parts. A commercial fish helper is not permitted to buy or
3 sell commercial fish, commercial turtles, or their parts.

4 c. A commercial fish buyer license is required to buy and
5 sell commercial fish or their parts. Restaurants; licensed
6 premises where alcoholic beverages, wine, or beer are sold or
7 consumed under authority of a liquor control license, wine
8 permit, or beer permit; and public benefit corporations exempt
9 under section 501(c)(3) of the Internal Revenue Code, or any
10 successor section, that purchase commercial fish or their
11 parts for retail sale and human consumption on their premises
12 are not required to obtain a commercial fish buyer license.

13 2. All intrastate and interstate shipments of commercial
14 fish or turtles must be accompanied by a label which shows the
15 name and address of the seller and the kinds and pounds of the
16 catches being sold. ~~Individuals purchasing fish, turtles, or~~
17 ~~mussels from a commercial fisher, turtle fisher, or mussel~~
18 ~~fisher need not possess a license.~~

19 Sec. 10. Section 482.11, subsection 1, Code 2005, is
20 amended to read as follows:

21 ~~1. A person shall not~~ All persons who commercially take,
22 attempt to take, possess, or process, transport, sell, or buy
23 turtles from the waters of the state without or their parts
24 shall possess an appropriate, valid commercial license.

25 ~~a. A valid sport fishing~~ commercial turtle fisher license
26 entitles a person is required to operate commercial turtle
27 fishing gear and to take and, attempt to take, possess a
28 maximum of one hundred pounds of live turtles or fifty pounds
29 of dressed, process, transport, or sell commercial turtles or
30 their parts. The sale of live or dressed turtles is not
31 permitted with a sport fishing license. A commercial turtle
32 fisher is not permitted to buy commercial turtles or their
33 parts. Nonresident turtle fishers shall harvest turtles only
34 from the boundary waters.

35 b. A commercial turtle helper license is required to take

1 ~~and possess more than one hundred pounds of live or fifty~~
 2 ~~pounds of dressed turtles.~~ assist a
 3 ~~commercial turtle license may sell live or dressed~~ fisher in
 4 operating commercial turtle fishing gear, and in taking,
 5 attempting to take, possessing, processing, or transporting
 6 commercial turtles or their parts. A commercial turtle helper
 7 is not permitted to buy or sell turtles or their parts.

8 c. A commercial fishing fisher license or a designated
 9 ~~operator's license~~ entitles commercial fishers to operate any
 10 licensed commercial fishing gear ~~for taking, possessing, or~~
 11 selling and to take, possess, and sell turtles taken with such
 12 commercial fishing gear.

13 d. ~~An individual possessing a valid~~ A commercial turtle
 14 buyer license ~~may have the assistance of one unlicensed~~
 15 ~~individual in the~~ is required to buy and sell commercial
 16 ~~taking of~~ turtles or their parts. Restaurants; licensed
 17 premises where alcoholic beverages, wine, or beer are sold or
 18 consumed under authority of a liquor control license, wine
 19 permit, or beer permit; and public benefit corporations exempt
 20 under section 501(c)(3) of the Internal Revenue Code, or any
 21 successor section, that purchase commercial turtles for retail
 22 sale and human consumption on their premises are not required
 23 to obtain a commercial turtle buyer license.

24 Sec. 11. Section 482.11, subsection 3, Code 2005, is
 25 amended to read as follows:

26 3. The method of taking turtles shall only be by hand,
 27 turtle hook, turtle trap, licensed commercial fishing gear, or
 28 other means designated by commission rules. ~~Sport fishers may~~
 29 ~~also use hook and line in catching turtles.~~

30 Sec. 12. Section 482.11, subsection 4, Code 2005, is
 31 stricken.

32 Sec. 13. Section 482.12, subsection 1, Code 2005, is
 33 amended to read as follows:

34 1. ~~A person shall not~~ All persons who commercially take,
 35 attempt to take, possess, process, transport, buy, or sell

1 freshwater mussels ~~from the waters of the state without~~ or
2 their parts shall possess an appropriate, valid commercial
3 license.

4 ~~a. A sport fishing license entitles a person to take and~~
5 ~~possess a maximum amount of mussels or shells daily as~~
6 ~~authorized by rule of the department or commission under the~~
7 ~~authority of sections 456A.24, 481A.38, 481A.39, and 482.1.~~

8 b. a. A commercial mussel fisher license is required to
9 operate commercial mussel fishing gear and to take more than
10 twenty pounds of mussels or shells daily, or possess more than
11 twenty pounds of mussels or shells. The holder of a
12 commercial mussel fisher license may sell mussels or shells.

13 e. b. A commercial mussel buyer license is required to
14 buy, sell, barter, or trade freshwater mussels or shells.

15 d. c. A commercial mussel helper license is required to
16 assist commercial mussel fishers in the taking, attempting to
17 take, possessing, processing, or transporting of commercial
18 freshwater mussels. The taking or sale of mussels or shells
19 is not permitted with a commercial mussel helper license.

20 Sec. 14. Section 482.14, Code 2005, is amended to read as
21 follows:

22 482.14 REPORTS REQUIRED.

23 1. All commercial fishers, commercial turtle fishers, and
24 ~~commercial mussel fishers, and commercial mussel buyers~~ shall
25 submit a monthly report supplying all information requested on
26 forms furnished by the commission. Reports must be received
27 by the commission no later than the fifteenth day of the
28 following month.

29 2. Commercial fish buyers, commercial turtle buyers, and
30 commercial mussel buyers shall maintain accurate records of
31 all their transactions. The records shall contain the number,
32 weight, and species of fish, turtles, or mussels purchased,
33 the name and address of the seller, and the county or pools
34 where the fish, turtles, or mussels were taken. The records
35 shall be updated within seventy-two hours of each transaction.

1 Each buyer shall submit a monthly report supplying all
2 information requested on forms furnished by the commission
3 Reports must be received by the commission no later than the
4 fifteenth day of the following month.

5 3. Commercial fish buyers, commercial turtle buyers, and
6 commercial mussel buyers shall utilize a two-part receipt for
7 each purchase of commercial species. One copy of the receipt
8 shall be kept by the commercial buyer and one copy of the
9 receipt shall be given to the person selling the commercial
10 species. Commercial buyers and sellers shall each retain
11 their copies of the receipts for five years following the date
12 of the transaction.

13 4. Facilities and records of commercial fish buyers,
14 commercial turtle buyers, and commercial mussel buyers shall
15 be open at all reasonable times for inspection by any
16 conservation officer.

17 Sec. 15. Section 483A.1, subsection 1, Code Supplement
18 2005, is amended by adding the following new paragraph:

19 NEW PARAGRAPH. u. Boundary waters sport trotline,
20 annual.....\$ 20.50

21 Sec. 16. Section 483A.1, subsection 2, Code Supplement
22 2005, is amended by adding the following new paragraph:

23 NEW PARAGRAPH. w. Boundary waters sport trotline,
24 annual.....\$ 40.50

25 Sec. 17. Section 483A.1A, Code 2005, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 0A. "Boundary waters" means the waters of
28 the Mississippi, Missouri, and Big Sioux rivers.

29 Sec. 18. NEW SECTION. 483A.28 NONCOMMERCIAL HARVEST OF
30 AQUATIC SPECIES.

31 1. A boundary waters annual sport trotline license
32 entitles the licensee to use a maximum of four trotlines with
33 two hundred hooks in the aggregate, only on boundary waters.
34 All boundary waters sport trotlines shall be tagged with the
35 name and address of the licensee on a weather-resistant tag

1 provided by the licensee and affixed above the waterline. A
2 boundary waters sport trotline licensee is not permitted to
3 sell fish or turtles taken pursuant to the license.

4 2. A valid fishing license issued pursuant to this chapter
5 entitles the licensee to take and possess a maximum of one
6 hundred pounds of live turtles or fifty pounds of dressed
7 turtles. Any unattended fishing gear used to take turtles
8 pursuant to a fishing license shall be tagged with the name
9 and address of the licensee on a weather-resistant tag
10 provided by the licensee and affixed above the waterline. A
11 fishing licensee is not permitted to sell live or dressed
12 turtles taken pursuant to the license.

13 3. A valid fishing license issued pursuant to this chapter
14 entitles the licensee to take and possess a maximum amount of
15 mussels or shells daily as authorized by rule of the
16 department or commission under the authority of sections
17 456A.24, 481A.38, 481A.39, and 482.1. A fishing licensee is
18 not permitted to sell freshwater mussels or shells taken
19 pursuant to the license.

20 Sec. 19. Section 805.8B, subsection 3, paragraph n, Code
21 2005, is amended to read as follows:

22 n. For violations of section 482.11 relating to turtles:
23 ~~(1)--For-commercial-turtle-violations,~~ the scheduled fine
24 is one hundred dollars.

25 ~~(2)--For-sport-turtle-violations, the-scheduled-fine-is~~
26 ~~fifty-dollars.~~

27 Sec. 20. Section 805.8B, subsection 3, paragraph o, Code
28 2005, is amended to read as follows:

29 o. For violations of section 482.12 relating to mussels:
30 ~~(1)--For-commercial-mussel-violations,~~ the scheduled fine
31 is one hundred dollars.

32 ~~(2)--For-sport-mussel-violations, the-scheduled-fine-is~~
33 ~~fifty-dollars.~~

34 Sec. 21. Section 805.8B, subsection 3, Code 2005, is
35 amended by adding the following new paragraph:

1 NEW PARAGRAPH. qq. For violations of section 483A.28,
2 other than license violations, the scheduled fine is twenty-
3 five dollars.

4 EXPLANATION

5 This bill relates to the regulation under Code chapter 482
6 of the harvesting of commercial fish, turtles, and freshwater
7 mussels by residents and nonresidents and provides for license
8 fees and penalties.

9 The bill requires a person involved in taking, attempting
10 to take, possessing, selling, or buying commercial fish,
11 turtles, or freshwater mussels to obtain an appropriate, valid
12 commercial license. A commercial fisher licensee, operating
13 commercial fishing gear, is allowed to take and sell
14 commercial turtles. Commercial fisher licensees and
15 commercial turtle licensees are allowed to take any commercial
16 fish, bait fish, turtles, frogs, salamanders, leeches,
17 crayfish, or any other aquatic invertebrates for bait unless
18 otherwise prohibited by law.

19 A commercial fisher, commercial turtle fisher, or
20 commercial mussel fisher licensee is not permitted to buy
21 commercial fish, turtles, or mussels. Nonresident turtle
22 fishers are permitted to harvest turtles only from the
23 boundary waters, that is, the waters of the Mississippi,
24 Missouri, and Big Sioux rivers.

25 In addition, commercial turtle fisher license fees are
26 increased from \$50 to \$200 for residents and from \$100 to \$400
27 for nonresidents.

28 Licenses are required for commercial fish helpers, turtle
29 helpers, or mussel helpers to assist a commercial fisher,
30 turtle fisher, or mussel fisher in operation of the
31 appropriate commercial gear and in taking, attempting to take,
32 possessing, processing, or transporting commercial fish,
33 turtles, or mussels. A commercial fish helper, turtle helper,
34 or mussel helper is not permitted to buy or sell commercial
35 fish, turtles, or mussels, respectively.

1 The commercial fish helper licenses are in lieu of the
2 designated operator licenses that were previously available at
3 \$50 for residents and \$100 for nonresidents. The new
4 commercial turtle helper licenses are also \$50 for residents
5 and \$100 for nonresidents. Commercial mussel helper licenses
6 remain the same at \$50 for residents and \$200 for
7 nonresidents.

8 Licenses are required for commercial fish buyers, turtle
9 buyers, or mussel buyers to buy and sell commercial fish,
10 turtles, or mussels. A restaurant, licensed premises where
11 alcoholic beverages, wine, or beer are sold or consumed, or a
12 nonprofit corporation may buy commercial fish or turtles for
13 retail sale and human consumption on their premises without
14 purchasing a fish or turtle buyer license.

15 The new commercial fish buyer and turtle buyer licenses
16 cost \$250 for residents and \$500 for nonresidents. Commercial
17 mussel buyer licenses remain available at \$1,000 for residents
18 and \$5,000 for nonresidents.

19 The bill provides that a commercial fisher, turtle fisher,
20 or mussel fisher must be present when commercial gear is being
21 operated. A commercial fish helper, turtle helper, or mussel
22 helper is not permitted to operate commercial gear except
23 under the direct supervision of the appropriate commercial
24 fisher, turtle fisher, or mussel fisher. A commercial fisher
25 must be present when certain specified commercial gear is in
26 use. The natural resource commission may grant a reasonable
27 extension of gear attendance intervals only upon the request
28 of a commercial fisher, turtle fisher, or mussel fisher who
29 specifies why an extension is necessary.

30 The bill requires all commercial fishers, turtle fishers,
31 and mussel fishers to submit a monthly report supplying all
32 information requested by the natural resource commission.

33 The bill requires all commercial fish buyers, turtle
34 buyers, and mussel buyers to maintain accurate records of all
35 their transactions, including specified information, updated

1 within 72 hours of each transaction, and submitted monthly to
2 the natural resource commission.

3 The bill also requires commercial fish, turtle, and mussel
4 buyers to use a two-part receipt with the buyer and seller
5 each retaining a copy of the receipt for five years following
6 the transaction. Facilities and records of such buyers must
7 be open at all reasonable times for inspection by conservation
8 officers.

9 The penalty for a violation of the commercial fishing
10 provisions contained in Code chapter 482 is a scheduled fine
11 of \$100 unless another fine is otherwise specified.

12 The bill moves language concerning boundary waters sport
13 trotline licenses from Code chapter 482 to Code chapter 483A
14 and increases the annual fee for such a license from \$10 to
15 \$20 for residents and from \$20 to \$40 for nonresidents.

16 The bill moves language concerning the use of boundary
17 waters sports trotline licenses from Code section 482.4 to new
18 Code section 483A.28 and allows such a licensee to use a
19 maximum of four trotlines with 200 hooks in the aggregate,
20 only on boundary waters, which are properly tagged with the
21 licensee's name and address. A boundary waters sport trotline
22 licensee is not permitted to sell fish or turtles taken
23 pursuant to the license.

24 The bill moves language concerning the taking and
25 possessing of turtles with a sport fishing license from Code
26 section 482.11 to new Code section 483A.28 and allows such a
27 licensee to take and possess a maximum of 100 pounds of live
28 turtles or 50 pounds of dressed turtles, using fishing gear
29 that is properly tagged with the licensee's name and address.
30 A sport fishing licensee is not permitted to sell live or
31 dressed turtles taken pursuant to the license.

32 The bill also moves language concerning the taking and
33 possessing of mussels or shells with a sport fishing license
34 from Code section 482.12 to new Code section 483A.28 and
35 allows such a licensee to take and possess a maximum amount of

1 mussels or shells daily as is authorized by the natural
2 resource commission by rule. A sport fishing licensee is not
3 permitted to sell mussels or shells taken pursuant to the
4 license.

5 The penalty for unlawfully taking turtles or mussels with a
6 sport fishing license under new Code section 483A.28 is a
7 scheduled fine of \$50 for residents and \$70 for nonresidents
8 pursuant to Code section 805.8B, subsection 3, paragraph "p".
9 Previously, the scheduled fine for sport turtle or sport
10 mussel violations was \$50 for residents and nonresidents. The
11 bill adds a new paragraph to Code section 805.8B, subsection
12 3, providing that for violations of new Code section 483A.28,
13 other than license violations, the scheduled fine is \$25.
14 This language is similar to the penalty for gear tag
15 violations involving commercial licenses that is contained in
16 Code section 805.8B, subsection 3, paragraph "m", and is also
17 a scheduled fine of \$25.

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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 *JRV*
Iowa Department of Natural Resources
Date: January 10, 2006
Re: Commercial Harvest of Fish, Mussels and Turtle

The proposed bill will improve regulations for the commercial harvest of fish, mussels and turtle. The bill will provide for better resource management tools and provide certain species better protection by making the following changes:

- Establish separate licenses for commercial fish buyers and commercial turtle buyers, and require records of their purchases from the commercial harvesters.
- Eliminate the designated operator license and require each commercial fisher who operates a crew to purchase an owner's license.
- Establish a commercial fish helper's and a commercial turtle helper's license, in addition to the current commercial mussel harvest helper, and set the cost at \$50 for each license.
- Prohibit nonresidents and aliens from harvesting turtles for either sport or commercial purposes from all inland waters of the state.
- Align residency requirements for commercial fish and turtle harvest with residency requirements for fishing and hunting licenses.
- Increase the boundary water sport trotline license to \$20.00 for residents and \$40.00 for nonresidents (not changed since 1987). The boundary water sport trotline license permits the licensee to use a maximum of four trotlines with up to 200 hooks total on the Mississippi, Missouri, and Big Sioux River.
- Increase commercial turtle license to \$200 for residents and \$400 for nonresidents.

These changes help maintain accurate harvest records for resource management, bring regulations in line with other states, clean up law enforcement issues, and bring fees in line with inflation and other states.