

House Study Bill 92

SENATE/HOUSE FILE _____
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 various conservation and recreation activities
2 under the purview of the department of natural resources,
3 modifying fees, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1616DP 81
6 av/gg/14

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1 1 Section 1. Section 455A.4, subsection 1, paragraph j, Code
1 2 2005, is amended by striking the paragraph.
1 3 Sec. 2. Section 461A.25, unnumbered paragraph 1, Code
1 4 2005, is amended to read as follows:
1 5 ~~The commission may recommend that the executive council~~
1 6 ~~lease property under the commission's jurisdiction. All~~
1 7 ~~leases shall reserve to the public of the state the right to~~
1 8 ~~enter upon the property leased for any lawful purpose. The~~
1 9 ~~council may, if it approves the recommendation and the If a~~
1 10 ~~lease is to be entered into is for a period of five years or~~
1 11 ~~less, the director, upon approval by the commission, shall~~
1 12 ~~execute the lease in on behalf of the state and commission.~~
1 13 ~~If the recommendation is for a lease is to be entered into for~~
1 14 ~~a period in excess of five years, with the exception of~~
1 15 ~~agricultural lands specifically dealt with in Article I,~~
1 16 ~~section 24, of the Constitution of the State of Iowa, the~~
1 17 ~~council commission shall advertise for bids. If a bid is~~
1 18 ~~accepted, the lease shall be let or executed by the council in~~
1 19 ~~accordance with the most desirable bid. The commission may~~
1 20 ~~accept bids and approve leases that the commission determines~~
1 21 ~~are in the best interests of the state. A lease shall not be~~
1 22 ~~executed for a term longer than fifty years. Any such~~
1 23 ~~leasehold interest, including any improvements placed on it,~~
1 24 ~~shall be listed on the tax rolls as provided in chapters 428~~
1 25 ~~and 443; assessed and valued as provided in chapter 441; taxes~~
1 26 ~~shall be levied on it as provided in chapter 444 and collected~~
1 27 ~~as provided in chapter 445; and the leasehold interest is~~
1 28 ~~subject to tax sale, redemption, and apportionment of taxes as~~
1 29 ~~provided in chapters 446, 447 and 448. The lessee shall~~
1 30 ~~discharge and pay all taxes.~~
1 31 Sec. 3. Section 462A.2, Code 2005, is amended by adding
1 32 the following new subsections:
1 33 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
1 34 factory=installed or dealer=installed emergency cut-off engine
1 35 stop switch that is installed on a personal watercraft.
2 1 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
2 2 cord used to attach the person of the operator of a personal
2 3 watercraft to the cut-off switch.
2 4 Sec. 4. Section 462A.7, subsections 1 and 2, Code 2005,
2 5 are amended to read as follows:
2 6 1. ~~The operator of a vessel involved in a collision,~~
2 7 ~~accident or other casualty an occurrence that results in~~
2 8 ~~personal property damage or that results in the injury or~~
2 9 ~~death of a person shall, so far as possible without serious~~
2 10 ~~danger to the operator's own vessel, crew or passengers,~~
2 11 ~~render to other persons affected by the collision, accident or~~
2 12 ~~casualty occurrence, such assistance as may be practicable and~~
2 13 ~~necessary to save them from or minimize any danger caused by~~
2 14 ~~the collision, accident or other casualty occurrence. The~~
2 15 ~~operator shall also give the operator's name, address, and~~
2 16 ~~identification of the operator's vessel in writing to any~~
2 17 ~~person injured and to the owner of any property damaged in the~~
2 18 ~~collision, accident or other casualty occurrence.~~

2 19 2. Whenever any vessel is involved in a collision,
2 20 ~~accident or casualty an occurrence that results in personal~~
2 21 ~~property damage or that results in the injury or death of a~~
2 22 ~~person, except one which results only in property damage not~~
2 23 ~~exceeding five hundred two thousand dollars, a report thereof~~
2 24 shall be filed with the commission. The report shall be filed
2 25 by the operator of the vessel and shall contain such
2 26 information as the commission may, by rule, require. The
2 27 report shall be submitted ~~without delay~~ within forty-eight
2 28 hours of the occurrence in death or disappearance cases and in
2 29 occurrences that result in personal injuries requiring more
2 30 than first aid treatment, and within five days of the
2 31 occurrence in all other cases.

2 32 Sec. 5. Section 462A.9, Code 2005, is amended by adding
2 33 the following new subsection:

2 34 NEW SUBSECTION. 12A. An owner of a personal watercraft
2 35 equipped with a cut-off switch shall maintain the cut-off
3 1 switch and the accompanying cut-off switch lanyard in an
3 2 operable, fully functional condition.

3 3 Sec. 6. Section 462A.12, Code 2005, is amended by adding
3 4 the following new subsections:

3 5 NEW SUBSECTION. 14. A person shall not operate a personal
3 6 watercraft that is equipped with a cut-off switch, at any
3 7 time, without first attaching the accompanying cut-off switch
3 8 lanyard to the operator's person while the engine is running
3 9 and the personal watercraft is in use.

3 10 NEW SUBSECTION. 15. A person shall not operate a vessel
3 11 on the waters of this state unless every person on board the
3 12 vessel who is under thirteen years of age is wearing a type I,
3 13 II, III, or V personal flotation device that is approved by
3 14 the United States coast guard, while the vessel is under way.
3 15 This subsection does not apply to a person who is under
3 16 thirteen years of age and is in an enclosed cabin or below
3 17 deck.

3 18 Sec. 7. Section 481A.133, Code 2005, is amended to read as
3 19 follows:

3 20 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
3 21 PERMITS.

3 22 A person who is assessed damages pursuant to section
3 23 481A.130 shall immediately surrender all licenses,
3 24 certificates, and permits to hunt, fish, or trap in the state
3 25 to the department. The licenses, permits, and certificates,
3 26 and the privileges associated with them shall remain suspended
3 27 until the assessed damages and any accrued interest are paid
3 28 ~~or a payment schedule is established by the court in full.~~
3 29 Upon payment of the assessed damages and any accrued interest,
3 30 the suspension shall be lifted. ~~If a payment schedule is~~
3 31 ~~established, the suspension shall be lifted and remain so~~
3 32 ~~unless the person fails to make a payment pursuant to that~~
3 33 ~~schedule. Failure to make a payment shall cause the~~
3 34 ~~suspension to be renewed. Interest shall begin to accrue as~~
3 35 ~~of the date of judgment at a rate of ten percent per year.~~

4 1 Sec. 8. Section 483A.27, subsections 1 and 7, Code 2005,
4 2 are amended to read as follows:

4 3 1. A person born after January 1, ~~1967~~ 1972, shall not
4 4 obtain a hunting license unless the person has satisfactorily
4 5 completed a hunter safety and ethics education course approved
4 6 by the commission. A person who is eleven years of age or
4 7 more may enroll in an approved hunter safety and ethics
4 8 education course, but a person who is eleven years of age and
4 9 who has successfully completed the course shall be issued a
4 10 certificate of completion which becomes valid on the person's
4 11 twelfth birthday. A certificate of completion from an
4 12 approved hunter safety and ethics education course issued in
4 13 this state since 1960, by another state, or by a foreign
4 14 nation, is valid for the requirements of this section.

4 15 7. A hunting license obtained under this section by a
4 16 person who gave false information or presented a fraudulent
4 17 certificate of completion shall be revoked and a new hunting
4 18 license shall not be issued for at least two years from the
4 19 date of conviction. A hunting license obtained by a person
4 20 who was born after January 1, ~~1967~~ 1972, but has not
4 21 satisfactorily completed the hunter safety and ethics
4 22 education course or has not met the requirements established
4 23 by the commission, shall be revoked.

4 24 EXPLANATION

4 25 This bill contains provisions relating to the regulation of
4 26 various conservation and recreation activities under the
4 27 purview of the department of natural resources.

4 28 Code section 455A.4 is amended by striking the provision
4 29 that requires the department of natural resources to submit a

4 30 report every five years to the natural resource commission
4 31 that includes information concerning the classification of the
4 32 state's parks, recreation areas, and preserves and any
4 33 recommendations for reclassification; methods for maintaining
4 34 the diversity of animal and plant life in state parks,
4 35 recreation areas, and preserves; options to achieve controlled
5 1 deer hunting in order to prevent overpopulation of deer; and
5 2 prevention of economic damage to private property which is
5 3 located adjacent to state parks, recreation areas, and
5 4 preserves.

5 5 Code section 461A.25 is amended by allowing the director of
5 6 the department of natural resources to execute leases of
5 7 property under the natural resource commission's jurisdiction
5 8 for periods of five years or less, with the approval of the
5 9 commission. The bill also provides that for leases of such
5 10 property in excess of five years the commission shall
5 11 advertise and may accept bids and approve leases that the
5 12 commission determines are in the best interests of the state.

5 13 Code section 462A.2 is amended to define a "cut-off switch"
5 14 as an operable factory-installed or dealer-installed emergency
5 15 cut-off engine stop switch that is installed on a personal
5 16 watercraft and to define a "cut-off switch lanyard" as the
5 17 cord used to attach the person of the operator of a personal
5 18 watercraft to the cut-off switch.

5 19 Code section 462A.7 is amended to provide that the owner of
5 20 a vessel shall give assistance, so far as possible, and
5 21 provide the vessel operator's name, address, and vessel
5 22 identification to any person who is injured or whose property
5 23 is damaged when the operator's vessel is involved in an
5 24 occurrence that results in personal property damage or that
5 25 results in the injury or death of a person. Code section
5 26 462A.7 is also amended to provide that when any vessel is
5 27 involved in such an occurrence, except one which results only
5 28 in property damage not exceeding \$2,000, a report must be
5 29 filed with the natural resource commission by the operator of
5 30 the vessel involved. Previously, a report had to be filed
5 31 when the property damage exceeded \$500. The report must be
5 32 filed within 48 hours of the occurrence when a person dies or
5 33 disappears or when a person suffers an injury requiring more
5 34 than first aid treatment. In all other cases, the report must
5 35 be filed within five days of the occurrence.

6 1 Code section 462A.9 is amended to provide that the owner of
6 2 a personal watercraft equipped with a cut-off switch must
6 3 maintain the cut-off switch and the accompanying cut-off
6 4 switch lanyard in an operable, fully functional condition. A
6 5 violation of this new provision is punishable by a scheduled
6 6 fine of \$20 under Code section 805.8B.

6 7 Code section 462A.12 is amended to prohibit a person from
6 8 operating a personal watercraft that is equipped with a cut-
6 9 off switch, at any time, without first attaching the
6 10 accompanying cut-off switch lanyard to the operator's person
6 11 while the engine is running and the personal watercraft is in
6 12 use. A violation of this provision is punishable by a
6 13 scheduled fine of \$25.

6 14 Code section 462A.12 is amended to prohibit a person from
6 15 operating a vessel on the waters of this state unless every
6 16 person on board the vessel who is under 13 years of age is
6 17 wearing a type I, II, III, or V personal flotation device that
6 18 is approved by the United States coast guard, while the vessel
6 19 is under way. This provision does not apply to a person under
6 20 13 years of age who is in an enclosed cabin or below deck. A
6 21 violation of this provision is punishable by a scheduled fine
6 22 of \$25.

6 23 Code section 481A.133 is amended to provide that when a
6 24 person is assessed damages for unlawfully selling, taking,
6 25 catching, killing, injuring, destroying, or possessing an
6 26 animal, the person's licenses, certificates, and permits are
6 27 suspended until payment in full of the assessed damages and
6 28 accrued interest. The bill removes the option that allowed a
6 29 person to pay damages pursuant to a payment schedule. The
6 30 bill also specifies that interest begins to accrue as of the
6 31 date of judgment at a rate of 10 percent per year.

6 32 Code section 483A.27 is amended to provide that a person
6 33 born after January 1, 1972, instead of January 1, 1967, must
6 34 complete a hunter safety and ethics education course before
6 35 obtaining a hunting license and that a hunting license
7 1 obtained by a such a person who has not completed the required
7 2 course shall be revoked. A violation of these provisions is
7 3 punishable by a scheduled fine of \$20.

