

FILED MAR 14 2005

SENATE FILE 367
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1233)

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

SENATE FILE 367

S-3044

1 Amend Senate File 367 as follows:
2 1. Page 4, by inserting after line 19 the
3 following:
4 "Sec. ____ . Section 481A.123, Code 2005, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 5. This section does not apply to
7 the discharge of a firearm on a farm unit by the owner
8 or tenant of the farm unit or by a family member of
9 the owner or tenant of the farm unit.
10 As used in this subsection, "family member", "farm
11 unit", "owner", and "tenant" mean the same as defined
12 in section 483A.24, subsection 2."
13 2. By renumbering as necessary.

By DENNIS H. BLACK

S-3044 FILED MARCH 22, 2005

SE 367

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1 Section 1. Section 455A.4, subsection 1, paragraph j, Code
2 2005, is amended by striking the paragraph.

3 Sec. 2. Section 456A.37, subsection 1, paragraph c, Code
4 2005, is amended to read as follows:

5 c. "Aquatic invasive species" means a species that is not
6 native to an ecosystem and whose introduction causes or is
7 likely to cause economic or environmental harm or harm to
8 human health including but not limited to habitat alteration
9 and degradation, and loss of biodiversity. For the purposes
10 of this section, "aquatic invasive species" are limited to
11 Eurasian water milfoil, purple loosestrife, and zebra mussels,
12 ~~except-as-provided-in-subsection-4~~ and those species
13 identified as "aquatic invasive species" by the commission by
14 rule.

15 Sec. 3. Section 456A.37, subsection 4, unnumbered
16 paragraph 2, Code 2005, is amended to read as follows:

17 c. If the commission determines that an additional species
18 should be defined as an "aquatic invasive species", the
19 species may shall be defined by the commission by rule as an
20 "aquatic invasive species" ~~subject-to-enactment-of-the~~
21 ~~definition-by-the-general-assembly-at-the-next-regular-session~~
22 ~~of-the-general-assembly.--Failure-of-the-general-assembly-to~~
23 ~~enact-the-definition-pursuant-to-this-paragraph-constitutes-a~~
24 ~~nullification-of-the-definition-effective-upon-adjournment-of~~
25 ~~that-next-regular-session-of-the-general-assembly.~~

26 Sec. 4. Section 461A.25, unnumbered paragraph 1, Code
27 2005, is amended to read as follows:

28 The commission may ~~recommend-that-the-executive-council~~
29 lease property under the commission's jurisdiction. All
30 leases shall reserve to the public of the state the right to
31 enter upon the property leased for any lawful purpose. ~~The~~
32 ~~council-may,-if-it-approves-the-recommendation-and-the~~ If a
33 lease is to be entered into ~~is~~ for a period of five years or
34 less, the director, upon approval by the commission, shall
35 execute the lease in on behalf of the state and commission.

1 ~~If the recommendation is for~~ a lease is to be entered into for
2 a period in excess of five years, with the exception of
3 agricultural lands specifically dealt with in Article I,
4 section 24, of the Constitution of the State of Iowa, the
5 ~~council~~ commission shall advertise for bids. ~~If a bid is~~
6 ~~accepted, the lease shall be let or executed by the council in~~
7 ~~accordance with the most desirable bid.~~ The commission may
8 accept bids and approve leases that the commission determines
9 are in the best interests of the state. A lease shall not be
10 executed for a term longer than fifty years. Any such
11 leasehold interest, including any improvements placed on it,
12 shall be listed on the tax rolls as provided in chapters 428
13 and 443; assessed and valued as provided in chapter 441; taxes
14 shall be levied on it as provided in chapter 444 and collected
15 as provided in chapter 445; and the leasehold interest is
16 subject to tax sale, redemption, and apportionment of taxes as
17 provided in chapters 446, 447 and 448. The lessee shall
18 discharge and pay all taxes.

19 Sec. 5. Section 462A.2, Code 2005, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
22 factory-installed or dealer-installed emergency cut-off engine
23 stop switch that is installed on a personal watercraft.

24 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
25 cord used to attach the person of the operator of a personal
26 watercraft to the cut-off switch.

27 Sec. 6. Section 462A.7, subsections 1 and 2, Code 2005,
28 are amended to read as follows:

29 1. The operator of a vessel involved in ~~a collision,~~
30 ~~accident or other casualty~~ an occurrence that results in
31 personal property damage or that results in the injury or
32 death of a person shall, so far as possible without serious
33 danger to the operator's own vessel, crew or passengers,
34 render to other persons affected by the ~~collision, accident or~~
35 ~~casualty~~ occurrence, such assistance as may be practicable and

1 necessary to save them from or minimize any danger caused by
2 the ~~collision~~, ~~accident~~ ~~or other casualty~~ occurrence. The
3 operator shall also give the operator's name, address, and
4 identification of the operator's vessel in writing to any
5 person injured and to the owner of any property damaged in the
6 ~~collision~~, ~~accident~~ ~~or other casualty~~ occurrence.

7 2. Whenever any vessel is involved in a ~~collision~~,
8 ~~accident~~ ~~or casualty~~ an occurrence that results in personal
9 property damage or that results in the injury or death of a
10 person, except one which results only in property damage not
11 exceeding ~~five-hundred~~ two thousand dollars, a report thereof
12 shall be filed with the commission. The report shall be filed
13 by the operator of the vessel and shall contain such
14 information as the commission may, by rule, require. The
15 report shall be submitted ~~without delay~~ within forty-eight
16 hours of the occurrence in death or disappearance cases and in
17 occurrences that result in personal injuries requiring more
18 than first aid treatment, and within five days of the
19 occurrence in all other cases.

20 Sec. 7. Section 462A.9, Code 2005, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 12A. An owner of a personal watercraft
23 equipped with a cut-off switch shall maintain the cut-off
24 switch and the accompanying cut-off switch lanyard in an
25 operable, fully functional condition.

26 Sec. 8. Section 462A.12, Code 2005, is amended by adding
27 the following new subsections:

28 NEW SUBSECTION. 14. A person shall not operate a personal
29 watercraft that is equipped with a cut-off switch, at any
30 time, without first attaching the accompanying cut-off switch
31 lanyard to the operator's person while the engine is running
32 and the personal watercraft is in use.

33 NEW SUBSECTION. 15. A person shall not operate a vessel
34 on the waters of this state unless every person on board the
35 vessel who is under thirteen years of age is wearing a type I,

1 II, III, or V personal flotation device that is approved by
2 the United States coast guard, while the vessel is under way.
3 This subsection does not apply to a person who is under
4 thirteen years of age and is in an enclosed cabin or below
5 deck.

6 Sec. 9. Section 481A.55, subsection 1, Code 2005, is
7 amended to read as follows:

8 1. Except as otherwise provided, a person shall not buy or
9 sell, dead or alive, a bird or animal or any part of one which
10 is protected by this chapter, but this section does not apply
11 to fur-bearing animals, bones of wild turkeys that were
12 legally taken, and the skins, plumage, and antlers of legally
13 taken game. This section does not prohibit the purchase of
14 jackrabbits from sources outside this state. A person shall
15 not purchase, sell, barter, or offer to purchase, sell, or
16 barter for millinery or ornamental use the feathers of
17 migratory game birds; and a person shall not purchase, sell,
18 barter, or offer to purchase, sell, or barter mounted
19 specimens of migratory game birds.

20 Sec. 10. Section 481A.130, subsection 1, paragraph g, Code
21 2005, is amended to read as follows:

22 g. For each antlered deer, reimbursement shall be based on
23 the point score of the antlered deer as measured by the Boone
24 and Crockett club's net scoring system for whitetail deer as
25 follows:

26 (1) 150 gross points or less: A minimum of two thousand
27 dollars and not more than five thousand dollars, and eighty
28 hours of community service or, in lieu of the community
29 service, a minimum of four thousand dollars and not more than
30 ten thousand dollars, in an amount that is deemed reasonable
31 by the court.

32 (2) More than 150 gross points: A minimum of five
33 thousand dollars and not more than ten thousand dollars, and
34 eighty hours of community service or, in lieu of the community
35 service, a minimum of ten thousand dollars and not more than

1 twenty thousand dollars, in an amount that is deemed
2 reasonable by the court.

3 Sec. 11. Section 481A.133, Code 2005, is amended to read
4 as follows:

5 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
6 PERMITS.

7 A person who is assessed damages pursuant to section
8 481A.130 shall immediately surrender all licenses,
9 certificates, and permits to hunt, fish, or trap in the state
10 to the department. The licenses, permits, and certificates,
11 and the privileges associated with them shall remain suspended
12 until the assessed damages and any accrued interest are paid
13 ~~or a payment schedule is established by the court~~ in full.

14 Upon payment of the assessed damages and any accrued interest,
15 the suspension shall be lifted. ~~if a payment schedule is~~
16 ~~established, the suspension shall be lifted and remain so~~
17 ~~unless the person fails to make a payment pursuant to that~~
18 ~~schedule. Failure to make a payment shall cause the~~
19 ~~suspension to be renewed.~~ Interest shall begin to accrue as
20 of the date of judgment at a rate of ten percent per year.

21 Sec. 12. Section 483A.27, subsections 1 and 7, Code 2005,
22 are amended to read as follows:

23 1. A person born after January 1, ~~1967~~ 1972, shall not
24 obtain a hunting license unless the person has satisfactorily
25 completed a hunter safety and ethics education course approved
26 by the commission. A person who is eleven years of age or
27 more may enroll in an approved hunter safety and ethics
28 education course, but a person who is eleven years of age and
29 who has successfully completed the course shall be issued a
30 certificate of completion which becomes valid on the person's
31 twelfth birthday. A certificate of completion from an
32 approved hunter safety and ethics education course issued in
33 this state since 1960, by another state, or by a foreign
34 nation, is valid for the requirements of this section.

35 7. A hunting license obtained under this section by a

1 person who gave false information or presented a fraudulent
2 certificate of completion shall be revoked and a new hunting
3 license shall not be issued for at least two years from the
4 date of conviction. A hunting license obtained by a person
5 who was born after January 1, ~~1967~~ 1972, but has not
6 satisfactorily completed the hunter safety and ethics
7 education course or has not met the requirements established
8 by the commission, shall be revoked.

9 EXPLANATION

10 This bill contains provisions relating to the regulation of
11 various conservation and recreation activities under the
12 purview of the department of natural resources.

13 Code section 455A.4 is amended by striking the provision
14 that requires the department of natural resources to submit a
15 report every five years to the natural resource commission
16 that includes information concerning the classification of the
17 state's parks, recreation areas, and preserves and any
18 recommendations for reclassification; methods for maintaining
19 the diversity of animal and plant life in state parks,
20 recreation areas, and preserves; options to achieve controlled
21 deer hunting in order to prevent overpopulation of deer; and
22 prevention of economic damage to private property which is
23 located adjacent to state parks, recreation areas, and
24 preserves.

25 Code section 456A.37 is amended to identify and define
26 additional species as "aquatic invasive species" by rule
27 without the subsequent codification of the definitions by the
28 general assembly at the next regular session.

29 Code section 461A.25 is amended by allowing the director of
30 the department of natural resources to execute leases of
31 property under the natural resource commission's jurisdiction
32 for periods of five years or less, with the approval of the
33 commission. The bill also provides that for leases of such
34 property in excess of five years the commission shall
35 advertise and may accept bids and approve leases that the

1 commission determines are in the best interests of the state.

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

8 Code section 462A.7 is amended to provide that the owner of
9 a vessel shall give assistance, so far as possible, and
10 provide the vessel operator's name, address, and vessel
11 identification to any person who is injured or whose property
12 is damaged when the operator's vessel is involved in an
13 occurrence that results in personal property damage or that
14 results in the injury or death of a person. Code section
15 462A.7 is also amended to provide that when any vessel is
16 involved in such an occurrence, except one which results only
17 in property damage not exceeding \$2,000, a report must be
18 filed with the natural resource commission by the operator of
19 the vessel involved. Previously, a report had to be filed
20 when the property damage exceeded \$500. The report must be
21 filed within 48 hours of the occurrence when a person dies or
22 disappears or when a person suffers an injury requiring more
23 than first aid treatment. In all other cases, the report must
24 be filed within five days of the occurrence.

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

31 Code section 462A.12 is amended to prohibit a person from
32 operating a personal watercraft that is equipped with a cut-
33 off switch, at any time, without first attaching the
34 accompanying cut-off switch lanyard to the operator's person
35 while the engine is running and the personal watercraft is in

1 use. A violation of this provision is punishable by a
2 scheduled fine of \$25.

3 Code section 462A.12 is amended to prohibit a person from
4 operating a vessel on the waters of this state unless every
5 person on board the vessel who is under 13 years of age is
6 wearing a type I, II, III, or V personal flotation device that
7 is approved by the United States coast guard, while the vessel
8 is under way. This provision does not apply to a person under
9 13 years of age who is in an enclosed cabin or below deck. A
10 violation of this provision is punishable by a scheduled fine
11 of \$25.

12 Code section 481A.55 is amended to allow a person to buy or
13 sell the bones of wild turkeys that were legally taken. A
14 violation of this provision is punishable by a scheduled fine
15 of \$50.

16 Code section 481A.130 is amended to specify that damages
17 for illegally taking an antlered deer are based on the Boone
18 and Crockett club scoring system of gross points for whitetail
19 deer.

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

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

SENATE FILE 367
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1233)

(AS AMENDED AND PASSED BY THE SENATE MARCH 23, 2005)

_____ - New Language by the Senate

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:

S.F. 367

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1 Section 1. Section 455A.4, subsection 1, paragraph j, Code
2 2005, is amended by striking the paragraph.

3 Sec. 2. Section 456A.37, subsection 1, paragraph c, Code
4 2005, is amended to read as follows:

5 c. "Aquatic invasive species" means a species that is not
6 native to an ecosystem and whose introduction causes or is
7 likely to cause economic or environmental harm or harm to
8 human health including but not limited to habitat alteration
9 and degradation, and loss of biodiversity. For the purposes
10 of this section, "aquatic invasive species" are limited to
11 Eurasian water milfoil, purple loosestrife, and zebra mussels,
12 ~~except-as-provided-in-subsection-4~~ and those species
13 identified as "aquatic invasive species" by the commission by
14 rule.

15 Sec. 3. Section 456A.37, subsection 4, unnumbered
16 paragraph 2, Code 2005, is amended to read as follows:

17 c. If the commission determines that an additional species
18 should be defined as an "aquatic invasive species", the
19 species may shall be defined by the commission by rule as an
20 "aquatic invasive species" ~~subject-to-enactment-of-the~~
21 ~~definition-by-the-general-assembly-at-the-next-regular-session~~
22 ~~of-the-general-assembly.--Failure-of-the-general-assembly-to~~
23 ~~enact-the-definition-pursuant-to-this-paragraph-constitutes-a~~
24 ~~nullification-of-the-definition-effective-upon-adjournment-of~~
25 ~~that-next-regular-session-of-the-general-assembly.~~

26 Sec. 4. Section 461A.25, unnumbered paragraph 1, Code
27 2005, is amended to read as follows:

28 The commission may ~~recommend-that-the-executive-council~~
29 lease property under the commission's jurisdiction. All
30 leases shall reserve to the public of the state the right to
31 enter upon the property leased for any lawful purpose. ~~The~~
32 ~~council-may,-if-it-approves-the-recommendation-and-the~~ If a
33 lease is to be entered into is for a period of five years or
34 less, the director, upon approval by the commission, shall
35 execute the lease in on behalf of the state and commission.

1 ~~If the recommendation is for~~ a lease is to be entered into for
 2 a period in excess of five years, with the exception of
 3 agricultural lands specifically dealt with in Article I,
 4 section 24, of the Constitution of the State of Iowa, the
 5 ~~council~~ commission shall advertise for bids. ~~If a bid is~~
 6 ~~accepted, the lease shall be let or executed by the council in~~
 7 ~~accordance with the most desirable bid.~~ The commission may
 8 accept bids and approve leases that the commission determines
 9 are in the best interests of the state. A lease shall not be
 10 executed for a term longer than fifty years. Any such
 11 leasehold interest, including any improvements placed on it,
 12 shall be listed on the tax rolls as provided in chapters 428
 13 and 443; assessed and valued as provided in chapter 441; taxes
 14 shall be levied on it as provided in chapter 444 and collected
 15 as provided in chapter 445; and the leasehold interest is
 16 subject to tax sale, redemption, and apportionment of taxes as
 17 provided in chapters 446, 447 and 448. The lessee shall
 18 discharge and pay all taxes.

19 Sec. 5. Section 462A.2, Code 2005, is amended by adding
 20 the following new subsections:

21 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
 22 factory-installed or dealer-installed emergency cut-off engine
 23 stop switch that is installed on a personal watercraft.

24 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
 25 cord used to attach the person of the operator of a personal
 26 watercraft to the cut-off switch.

27 Sec. 6. Section 462A.7, subsections 1 and 2, Code 2005,
 28 are amended to read as follows:

29 1. The operator of a vessel involved in ~~a collision,~~
 30 ~~accident or other casualty~~ an occurrence that results in
 31 personal property damage or that results in the injury or
 32 death of a person shall, so far as possible without serious
 33 danger to the operator's own vessel, crew or passengers,
 34 render to other persons affected by the ~~collision, accident or~~
 35 ~~casualty~~ occurrence, such assistance as may be practicable and

1 necessary to save them from or minimize any danger caused by
2 the ~~collision, accident or other casualty~~ occurrence. The
3 operator shall also give the operator's name, address, and
4 identification of the operator's vessel in writing to any
5 person injured and to the owner of any property damaged in the
6 ~~collision, accident or other casualty~~ occurrence.

7 2. Whenever any vessel is involved in ~~a collision,~~
8 ~~accident or casualty~~ an occurrence that results in personal
9 property damage or that results in the injury or death of a
10 person, except one which results only in property damage not
11 exceeding five-hundred two thousand dollars, a report thereof
12 shall be filed with the commission. The report shall be filed
13 by the operator of the vessel and shall contain such
14 information as the commission may, by rule, require. The
15 report shall be submitted ~~without delay~~ within forty-eight
16 hours of the occurrence in death or disappearance cases and in
17 occurrences that result in personal injuries requiring more
18 than first aid treatment, and within five days of the
19 occurrence in all other cases.

20 Sec. 7. Section 462A.9, Code 2005, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 12A. An owner of a personal watercraft
23 equipped with a cut-off switch shall maintain the cut-off
24 switch and the accompanying cut-off switch lanyard in an
25 operable, fully functional condition.

26 Sec. 8. Section 462A.12, Code 2005, is amended by adding
27 the following new subsections:

28 NEW SUBSECTION. 14. A person shall not operate a personal
29 watercraft that is equipped with a cut-off switch, at any
30 time, without first attaching the accompanying cut-off switch
31 lanyard to the operator's person while the engine is running
32 and the personal watercraft is in use.

33 NEW SUBSECTION. 15. A person shall not operate a vessel
34 on the waters of this state unless every person on board the
35 vessel who is under thirteen years of age is wearing a type I,

1 II, III, or V personal flotation device that is approved by
2 the United States coast guard, while the vessel is under way.
3 This subsection does not apply to a person who is under
4 thirteen years of age and is in an enclosed cabin or below
5 deck.

6 Sec. 9. Section 481A.55, subsection 1, Code 2005, is
7 amended to read as follows:

8 1. Except as otherwise provided, a person shall not buy or
9 sell, dead or alive, a bird or animal or any part of one which
10 is protected by this chapter, but this section does not apply
11 to fur-bearing animals, bones of wild turkeys that were
12 legally taken, and the skins, plumage, and antlers of legally
13 taken game. This section does not prohibit the purchase of
14 jackrabbits from sources outside this state. A person shall
15 not purchase, sell, barter, or offer to purchase, sell, or
16 barter for millinery or ornamental use the feathers of
17 migratory game birds; and a person shall not purchase, sell,
18 barter, or offer to purchase, sell, or barter mounted
19 specimens of migratory game birds.

20 Sec. 10. Section 481A.123, Code 2005, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 5. This section does not apply to the
23 discharge of a firearm on a farm unit by the owner or tenant
24 of the farm unit or by a family member of the owner or tenant
25 of the farm unit.

26 As used in this subsection, "family member", "farm unit",
27 "owner", and "tenant" mean the same as defined in section
28 483A.24, subsection 2.

29 Sec. 11. Section 481A.130, subsection 1, paragraph g, Code
30 2005, is amended to read as follows:

31 g. For each antlered deer, reimbursement shall be based on
32 the point score of the antlered deer as measured by the Boone
33 and Crockett club's net scoring system for whitetail deer as
34 follows:

35 (1) 150 gross points or less: A minimum of two thousand

1 dollars and not more than five thousand dollars, and eighty
2 hours of community service or, in lieu of the community
3 service, a minimum of four thousand dollars and not more than
4 ten thousand dollars, in an amount that is deemed reasonable
5 by the court.

6 (2) More than 150 gross points: A minimum of five
7 thousand dollars and not more than ten thousand dollars, and
8 eighty hours of community service or, in lieu of the community
9 service, a minimum of ten thousand dollars and not more than
10 twenty thousand dollars, in an amount that is deemed
11 reasonable by the court.

12 Sec. 12. Section 481A.133, Code 2005, is amended to read
13 as follows:

14 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
15 PERMITS.

16 A person who is assessed damages pursuant to section
17 481A.130 shall immediately surrender all licenses,
18 certificates, and permits to hunt, fish, or trap in the state
19 to the department. The licenses, permits, and certificates,
20 and the privileges associated with them shall remain suspended
21 until the assessed damages and any accrued interest are paid
22 ~~or-a-payment-schedule-is-established-by-the-court~~ in full.

23 Upon payment of the assessed damages and any accrued interest,
24 the suspension shall be lifted. ~~If-a-payment-schedule-is~~
25 ~~established,-the-suspension-shall-be-lifted-and-remain-so~~
26 ~~unless-the-person-fails-to-make-a-payment-pursuant-to-that~~
27 ~~schedule.--Failure-to-make-a-payment-shall-cause-the~~
28 ~~suspension-to-be-renewed.~~ Interest shall begin to accrue as
29 of the date of judgment at a rate of ten percent per year.

30 Sec. 13. Section 483A.27, subsections 1 and 7, Code 2005,
31 are amended to read as follows:

32 1. A person born after January 1, ~~1967~~ 1972, shall not
33 obtain a hunting license unless the person has satisfactorily
34 completed a hunter safety and ethics education course approved
35 by the commission. A person who is eleven years of age or

1 more may enroll in an approved hunter safety and ethics
2 education course, but a person who is eleven years of age and
3 who has successfully completed the course shall be issued a
4 certificate of completion which becomes valid on the person's
5 twelfth birthday. A certificate of completion from an
6 approved hunter safety and ethics education course issued in
7 this state since 1960, by another state, or by a foreign
8 nation, is valid for the requirements of this section.

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

18

EXPLANATION

19 This bill contains provisions relating to the regulation of
20 various conservation and recreation activities under the
21 purview of the department of natural resources.

22 Code section 455A.4 is amended by striking the provision
23 that requires the department of natural resources to submit a
24 report every five years to the natural resource commission
25 that includes information concerning the classification of the
26 state's parks, recreation areas, and preserves and any
27 recommendations for reclassification; methods for maintaining
28 the diversity of animal and plant life in state parks,
29 recreation areas, and preserves; options to achieve controlled
30 deer hunting in order to prevent overpopulation of deer; and
31 prevention of economic damage to private property which is
32 located adjacent to state parks, recreation areas, and
33 preserves.

34 Code section 456A.37 is amended to identify and define
35 additional species as "aquatic invasive species" by rule

1 without the subsequent codification of the definitions by the
2 general assembly at the next regular session.

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

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

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

34 Code section 462A.9 is amended to provide that the owner of
35 a personal watercraft equipped with a cut-off switch must

1 maintain the cut-off switch and the accompanying cut-off
2 switch lanyard in an operable, fully functional condition. A
3 violation of this new provision is punishable by a scheduled
4 fine of \$20 under Code section 805.8B.

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

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

21 Code section 481A.55 is amended to allow a person to buy or
22 sell the bones of wild turkeys that were legally taken. A
23 violation of this provision is punishable by a scheduled fine
24 of \$50.

25 Code section 481A.130 is amended to specify that damages
26 for illegally taking an antlered deer are based on the Boone
27 and Crockett club scoring system of gross points for whitetail
28 deer.

29 Code section 481A.133 is amended to provide that when a
30 person is assessed damages for unlawfully selling, taking,
31 catching, killing, injuring, destroying, or possessing an
32 animal, the person's licenses, certificates, and permits are
33 suspended until payment in full of the assessed damages and
34 accrued interest. The bill removes the option that allowed a
35 person to pay damages pursuant to a payment schedule. The

1 bill also specifies that interest begins to accrue as of the
2 date of judgment at a rate of 10 percent per year.

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

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SENATE FILE 367

H-8368

1 Amend Senate File 367, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,
4 line 26.

5 2. Page 2, by inserting before line 27, the
6 following:

7 "Sec. _____. Section 462A.5, subsection 1,
8 unnumbered paragraph 1, Code Supplement 2005, is
9 amended to read as follows:

10 The owner of each vessel required to be numbered by
11 this state shall register it every three years with
12 the department through the county recorder of the
13 county in which the owner resides, or, if the owner is
14 a nonresident, the owner shall register it in the
15 county in which such vessel is principally used. The
16 department shall develop and maintain an electronic
17 system for the registration of vessels pursuant to
18 this chapter. The commission shall have supervisory
19 responsibility over department shall establish forms
20 and procedures as necessary for the registration of
21 all vessels and shall provide each county recorder
22 with registration forms and certificates and shall
23 allocate identification numbers to each county.

24 Sec. _____. Section 462A.5, subsection 3, unnumbered
25 paragraph 2, Code Supplement 2005, is amended to read
26 as follows:

27 Every registration certificate and number issued
28 becomes delinquent at midnight April 30 of the last
29 calendar year of the registration period unless
30 terminated or discontinued in accordance with this
31 chapter. After January 1, 2007, an unregistered
32 vessel and a renewal of registration may be registered
33 for the three-year registration period beginning May 1
34 of that year. When unregistered vessels are
35 registered after May 1 of the second year of the
36 three-year registration period, such unregistered
37 vessels may be registered for the remainder of the
38 current registration period at ~~sixty-six percent~~ two-
39 thirds of the appropriate registration fee. When
40 unregistered vessels are registered after May 1 of the
41 third year of the three-year registration period, such
42 unregistered vessels may be registered for the
43 remainder of the current registration period at
44 ~~thirty-three percent~~ one-third of the appropriate
45 registration fee."

46 3. Page 3, by inserting after line 19, the
47 following:

48 "Sec. _____. Section 462A.43, Code 2005, is amended
49 to read as follows:

50 462A.43 TRANSFER OF OWNERSHIP.

H-8368

1 Upon the transfer of ownership of any vessel, the
2 owner, except as otherwise provided by this chapter,
3 shall complete the form on the back of the
4 registration certificate and shall deliver it to the
5 purchaser or transferee at the time of delivering the
6 vessel. ~~All registrations must be valid for the~~
7 ~~current registration period prior to the transfer of~~
8 ~~any registration, including assignment to a dealer.~~
9 If a vessel has an expired registration at the time of
10 transfer, the transferee shall pay all applicable fees
11 for the current registration period, the appropriate
12 writing fee, and a penalty of five dollars, and a
13 transfer of number shall be awarded in the same manner
14 as provided for an original registration."

15 4. By striking page 3, line 20, through page 4,
16 line 5.

17 5. Title page, line 3, by striking the words
18 "modifying fees,".

COMMITTEE ON NATURAL RESOURCES
RAYHONS of Hancock, Chairperson

SENATE FILE 367

H-8385

1 Amend the Committee amendment, H-8368, to Senate
2 File 367, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 2, by striking line 16 and inserting the
5 following: "line 5, and inserting the following:
6 "Sec. _____. Section 462A.12, Code Supplement 2005,
7 is amended by adding the following new subsection:
8 NEW SUBSECTION. 14. A person shall not operate a
9 vessel on the waters of this state under the
10 jurisdiction of the commission unless every person on
11 board the vessel who is under thirteen years of age is
12 wearing a type I, II, III, or V personal flotation
13 device, including "float coats" that meet this
14 definition, that is approved by the United States
15 coast guard, while the vessel is under way. This
16 subsection does not apply when the person under
17 thirteen years of age is in an enclosed cabin or below
18 deck, or is a passenger on a commercial vessel with a
19 passenger capacity of twenty-five persons or more."
20 _____. Page 6, by inserting after line 17, the
21 following:
22 "Sec. _____. WARNING CITATIONS -- TWELVE-MONTH
23 PERIOD. During the twelve-month period beginning on
24 the effective date of this section of this Act, peace
25 officers shall issue only warning citations for
26 violations of section 462A.12, new subsection 14, as
27 enacted by this Act.
28 Sec. _____. EFFECTIVE DATE. The sections of this
29 Act creating new section 462A.12, subsection 14, and
30 providing for warning citations for violations of that
31 provision, being deemed of immediate importance, take
32 effect upon enactment.""
33 2. Page 2, line 18, by inserting after the word
34 "fees," the following: "and providing an effective
35 date".
36 3. By renumbering as necessary.

By FREVERT of Palo Alto
REICHERT of Muscatine

H-8385 FILED MARCH 27, 2006

Dearden Co-Chair
Johnson Co-Chair
Seng
Kettering

Succeeded By
SF/HF 362

SSB# 1233

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 _____

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:

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1 Section 1. Section 455A.4, subsection 1, paragraph j, Code
2 2005, is amended by striking the paragraph.

3 Sec. 2. Section 461A.25, unnumbered paragraph 1, Code
4 2005, is amended to read as follows:

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

31 Sec. 3. Section 462A.2, Code 2005, is amended by adding
32 the following new subsections:

33 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
34 factory-installed or dealer-installed emergency cut-off engine
35 stop switch that is installed on a personal watercraft.

1 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
2 cord used to attach the person of the operator of a personal
3 watercraft to the cut-off switch.

4 Sec. 4. Section 462A.7, subsections 1 and 2, Code 2005,
5 are amended to read as follows:

6 1. The operator of a vessel involved in ~~a collision,~~
7 accident-or-other-casualty an occurrence that results in
8 personal property damage or that results in the injury or
9 death of a person shall, so far as possible without serious
10 danger to the operator's own vessel, crew or passengers,
11 render to other persons affected by the ~~collision,~~
12 accident-or casualty occurrence, such assistance as may be practicable and
13 necessary to save them from or minimize any danger caused by
14 the ~~collision,~~
15 accident-or-other-casualty occurrence. The
16 operator shall also give the operator's name, address, and
17 identification of the operator's vessel in writing to any
18 person injured and to the owner of any property damaged in the
19 ~~collision,~~
20 accident-or-other-casualty occurrence.

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

34 Sec. 5. Section 462A.9, Code 2005, is amended by adding
35 the following new subsection:

NEW SUBSECTION. 12A. An owner of a personal watercraft
equipped with a cut-off switch shall maintain the cut-off

1 switch and the accompanying cut-off switch lanyard in an
2 operable, fully functional condition.

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

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

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

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

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

22 A person who is assessed damages pursuant to section
23 481A.130 shall immediately surrender all licenses,
24 certificates, and permits to hunt, fish, or trap in the state
25 to the department. The licenses, permits, and certificates,
26 and the privileges associated with them shall remain suspended
27 until the assessed damages and any accrued interest are paid
28 ~~or a payment schedule is established by the court~~ in full.

29 Upon payment of the assessed damages and any accrued interest,
30 the suspension shall be lifted. ~~If a payment schedule is~~
31 ~~established, the suspension shall be lifted and remain so~~
32 ~~unless the person fails to make a payment pursuant to that~~
33 ~~schedule. Failure to make a payment shall cause the~~
34 ~~suspension to be renewed.~~ Interest shall begin to accrue as
35 of the date of judgment at a rate of ten percent per year.

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

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

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

24 EXPLANATION

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

28 Code section 455A.4 is amended by striking the provision
29 that requires the department of natural resources to submit a
30 report every five years to the natural resource commission
31 that includes information concerning the classification of the
32 state's parks, recreation areas, and preserves and any
33 recommendations for reclassification; methods for maintaining
34 the diversity of animal and plant life in state parks,
35 recreation areas, and preserves; options to achieve controlled

1 deer hunting in order to prevent overpopulation of deer; and
2 prevention of economic damage to private property which is
3 located adjacent to state parks, recreation areas, and
4 preserves.

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

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

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

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

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

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

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

32 Code section 483A.27 is amended to provide that a person
33 born after January 1, 1972, instead of January 1, 1967, must
34 complete a hunter safety and ethics education course before
35 obtaining a hunting license and that a hunting license

1 obtained by a such a person who has not completed the required
2 course shall be revoked. A violation of these provisions is
3 punishable by a scheduled fine of \$20.

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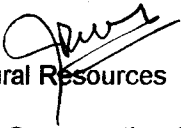


STATE OF IOWA

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 19, 2005

Re: Technical and Corrective Conservation & Recreation Code Changes

The department proposes to amend seven Code sections to "clean up" administrative procedures, and bring the department in line with other states and federal agencies concerning recreational safety requirements.

The seven changes include the following:

- Rescinds the requirement of a report to the Natural Resource Commission on deer damage to parks, recreation areas and preserves every five years. This requirement began in 1992, and was established to maintain diversity of animal and plant life in these areas and determine economic damage to private property adjacent to these areas. Two separate annual reports include the information in this requirement: "Trends in Iowa Wildlife Populations and Harvest," and the annual report from the depredation program. Also, during the 1997 legislative session, an amendment to the Iowa Code was passed removing the statutory restriction on firearms in state parks, allowing the department to establish special population-control hunts in state parks without first seeking reclassification of that park as a state recreation area. (Most Iowa State Preserves already allow hunting). That same year the wild animal depredation unit was established by code. Biologists, park managers and adjacent landowners now identify where and when there is a need to reduce deer populations to address deer damage through the deer depredation program, thereby helping protect biological diversity in these areas.
- Allows the department director to enter into certain leases with Natural Resource Commission approval. This allows the department director authority to enter into leases under the same procedures established for agricultural leases and easements with political subdivisions or utilities.
- Increases reportable boating damage incidents from \$500 to \$2,000. This aligns with federal law, and addresses the fact that it doesn't take much of a collision for a boat to have more than \$500 of damage.
- Adds the requirement of safety cut-off switches for personal watercraft (PWC), also known as jet skis. This is generally a lanyard that attaches a switch on the PWC to the operator, either around the wrist or attached to the life jacket. If the operator falls off the machine, the engine is stopped.
- Requires personal flotation devices when boating for children under 13. This improves child safety, and brings Iowa in line with the rest of the states and federal regulations.
- Strengthens hunting and fishing license suspension requirements. This requires that assessed damages be paid in full prior to restoring license privileges. Many violators make the first payments, regain license privileges and never pay remaining damages.
- Changes hunter education requirements needed to obtain a hunting license from 1967 to 1972. The department is unable to accurately account for all hunter education records for the first five years of the program. Records are available from 1972 on, instead of 1967 on.