

# Senate Study Bill 1233

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

PAG LIN

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.

7 4 LSB 1616DP 81  
7 5 av/gg/14