

# Senate File 250 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON NATURAL RESOURCES  
AND ENVIRONMENT

(SUCCESSOR TO SSB 1067)

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:

5 TLSB 1406SV 82

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1 1 Section 1. Section 482.1, subsections 4 through 9, Code  
1 2 2007, are amended to read as follows:

1 3 4. Prohibit, restrict, or regulate commercial fishing, and  
1 4 commercial turtle fishing, ~~and commercial mussel fishing~~ in  
1 5 any waters of the state.

1 6 5. Revoke the license of a licensee ~~and the licensee's~~  
~~1 7 designated operators~~ for up to one year if the licensee ~~or any~~  
~~1 8 designated operator~~ has been convicted of a violation of  
1 9 chapter 481A, 482, or 483A.

1 10 6. Regulate the numbers of commercial fishers, and  
1 11 commercial turtle fishers, ~~and commercial mussel fishers~~ and  
1 12 the amount, type, seasonal use, mesh size, construction and  
1 13 design, manner of use, and other criteria relating to the use  
1 14 of commercial gear for any body of water or part thereof.

1 15 7. Establish catch quotas, seasons, size limits, and other  
1 16 regulations for any species of commercial fish, or turtles, ~~or~~  
~~1 17 mussels~~ for any body of water or part thereof.

1 18 8. Designate by listing species as commercial fish, or  
1 19 turtles, ~~or mussels~~.

1 20 9. Designate any body of water or its part as protected  
1 21 habitat and restrict, prohibit, or otherwise regulate the  
1 22 taking of commercial fish, and turtles, ~~and mussels~~ in  
1 23 protected habitat areas.

1 24 Sec. 2. Section 482.1, unnumbered paragraph 3, Code 2007,  
1 25 is amended to read as follows:

1 26 Employees of the commission may lift and inspect any  
1 27 commercial gear at any time when being used and may inspect  
1 28 commercial catches, commercial markets, and landings, and  
1 29 examine catch sale and purchase records of commercial fishers,  
1 30 commercial turtle fishers, ~~and commercial mussel fishers~~  
1 31 commercial fish buyers, and commercial turtle buyers upon  
1 32 demand.

1 33 Sec. 3. Section 482.2, Code 2007, is amended to read as  
1 34 follows:

1 35 482.2 DEFINITIONS.

2 1 As used in this chapter, unless the context otherwise  
2 2 requires:

2 3 1. "Boundary waters" means the waters of the Mississippi,  
2 4 Missouri, and Big Sioux rivers.

2 5 2. "Commercial fish buyer" means a person engaged in the  
2 6 business of buying, selling, bartering, or trading fish, fish  
2 7 eggs (roe), or fish parts.

2 8 3. "Commercial fish helper" means a person who assists a  
2 9 commercial fisher in operating commercial gear or in taking,  
2 10 attempting to take, possessing, processing, or transporting  
2 11 commercial fish or turtles.

2 12 ~~2.~~ 4. "Commercial fisher" means a person who is licensed  
2 13 to take, ~~attempt to take, possess, process, transport, and~~  
2 14 sell fish and turtles from waters of the state.

2 15 ~~3.~~ 5. "Commercial fishing" means taking, attempting to  
2 16 take, possessing, processing, or transporting of fish or

~~2 17 turtles for the purpose of selling, bartering, exchanging,~~  
~~2 18 offering, or exposing for sale.~~  
~~2 19 4- 6. "Commercial gear" means the capturing equipment~~  
~~2 20 used by commercial fishers, and commercial turtle fishers, and~~  
~~2 21 commercial mussel fishers.~~  
~~2 22 5. "Commercial mussel fisher" means a person who is~~  
~~2 23 licensed to take and sell freshwater mussels from waters of~~  
~~2 24 the state. A resident commercial mussel license holder must~~  
~~2 25 have resided in this state for one year preceding the person's~~  
~~2 26 application for a commercial mussel fishing license.~~  
~~2 27 6. "Commercial mussel fishing" means taking, attempting to~~  
~~2 28 take, or transporting of freshwater mussels for the purpose of~~  
~~2 29 selling, bartering, exchanging, offering, or exposing for~~  
~~2 30 sale.~~  
~~2 31 7. "Commercial species" means species of fish, and~~  
~~2 32 turtles, and freshwater mussels which may be lawfully taken~~  
~~2 33 and sold by commercial fishers, and commercial turtle fishers,~~  
~~2 34 and commercial mussel fishers, as established by rule by the~~  
~~2 35 commission.~~  
~~3 1 8. "Commercial turtle buyer" means a person engaged in the~~  
~~3 2 business of buying, selling, bartering, or trading turtles,~~  
~~3 3 turtle eggs, or turtle parts.~~  
~~3 4 8- 9. "Commercial turtle fisher" means a person who is~~  
~~3 5 licensed to take, attempt to take, possess, process,~~  
~~3 6 transport, and sell turtles from the waters of the state.~~  
~~3 7 9- 10. "Commercial turtle fishing" means taking,~~  
~~3 8 attempting to take, possessing, processing, or transporting of~~  
~~3 9 turtles for the purpose of selling, bartering, exchanging,~~  
~~3 10 offering, or exposing for sale.~~  
~~3 11 11. "Commercial turtle helper" means a person who assists~~  
~~3 12 a commercial turtle fisher in operating commercial gear, or in~~  
~~3 13 taking, attempting to take, possessing, processing, or~~  
~~3 14 transporting commercial turtles.~~  
~~3 15 10- 12. "Constant attendance" means the presence of a~~  
~~3 16 commercial fisher or a designated operator whenever commercial~~  
~~3 17 gear is in use.~~  
~~3 18 11- 13. "Director" means the director of the department~~  
~~3 19 of natural resources, and the director's duly authorized~~  
~~3 20 assistants, deputies, or agents.~~  
~~3 21 12- 14. "Game fish" means all species and size categories~~  
~~3 22 of fish not included as "commercial species" or minnows.~~  
~~3 23 13- 15. "Inland waters of the state" means all public~~  
~~3 24 waters of the state excluding the boundary waters of the~~  
~~3 25 Mississippi, Big Sioux, and Missouri rivers.~~  
~~3 26 14- 16. "Licensed commercial gear" means any commercial~~  
~~3 27 gear that is licensed as provided in this chapter and that,~~  
~~3 28 when in use, has attached the proper tags attached as provided~~  
~~3 29 by this chapter.~~  
~~3 30 15- 17. "Nonresident or alien" means a person who does~~  
~~3 31 not qualify as a resident of the state of Iowa either because~~  
~~3 32 of a bona fide residence in another state or because of~~  
~~3 33 citizenship of a country other than the United States.~~  
~~3 34 However, "alien" does not include a person who has applied for~~  
~~3 35 naturalization papers.~~  
~~4 1 16- 18. "Resident" means a natural person who is legally~~  
~~4 2 subject to motor vehicle registration and driver's license~~  
~~4 3 laws of this state, or who is qualified to vote in an election~~  
~~4 4 of this state, meets any of the following criteria:~~  
~~4 5 a. Has physically resided in this state for at least~~  
~~4 6 thirty consecutive days immediately prior to applying for or~~  
~~4 7 purchasing a resident license under this chapter and has been~~  
~~4 8 issued an Iowa driver's license or an Iowa nonoperator's~~  
~~4 9 identification card.~~  
~~4 10 b. Is a nonresident under eighteen years of age whose~~  
~~4 11 parent is a resident of this state.~~  
~~4 12 c. Is a member of the armed forces of the United States~~  
~~4 13 who is serving on active duty, claims residency in this state,~~  
~~4 14 and has filed a state individual income tax return as a~~  
~~4 15 resident pursuant to chapter 422, division II, for the~~  
~~4 16 preceding tax year, or is stationed in this state.~~  
~~4 17 d. Is registered to vote in this state.~~  
~~4 18 A resident license shall be limited to persons who do not~~  
~~4 19 claim any resident privileges, except as defined in paragraphs~~  
~~4 20 "b", "c", and "d", in another state or country. A person~~  
~~4 21 shall not purchase or apply for any resident license or permit~~  
~~4 22 if that person has claimed residency in any other state or~~  
~~4 23 country.~~  
~~4 24 17- 19. "Waters of the state" means all of the waters~~  
~~4 25 under the jurisdiction of the state.~~  
~~4 26 Sec. 4. Section 482.4, Code 2007, is amended to read as~~  
~~4 27 follows:~~

4 28 482.4 COMMERCIAL LICENSES AND GEAR TAGS.

4 29 1. A person shall not use or operate commercial gear  
4 30 unless at least one individual at the site where the  
4 31 commercial gear is being operated possesses an appropriate  
4 32 valid commercial license, ~~or a designated operator's license.~~  
4 33 A commercial license is valid from the date of issue to  
4 34 January 10 of the succeeding calendar year.

~~4 35 2. A commercial fisher may designate a person as a  
5 1 designated operator to lift and to fish with any licensed  
5 2 commercial fishing gear owned by the commercial fisher. A  
5 3 commercial fisher shall not have more than five designated  
5 4 operators. A designated operator's license shall be assigned  
5 5 to not more than three operators during a year and a  
5 6 designated operator's license shall be valid for use only by  
5 7 an operator who possesses the license and has signed the  
5 8 license. The signature of any preceding designated operator  
5 9 who possessed the license shall be crossed out. A designated  
5 10 operator shall not lift or fish any commercial fishing gear  
5 11 without possessing a designated operator's license which is  
5 12 signed by the operator. A designated operator's license which  
5 13 is not signed by the operator in possession of the license is  
5 14 forfeited to the state.~~

~~5 15 3. A boundary water annual sport trotline license permits  
5 16 the licensee to use a maximum of four trotlines with two  
5 17 hundred hooks in the aggregate. All boundary water sport  
5 18 trotlines shall be tagged with the name and address of the  
5 19 licensee on a metal tag affixed above the waterline.~~

5 20 4. 2. Commercial fishers and commercial turtle fishers  
5 21 shall purchase gear tags from the commission to be affixed to  
5 22 each piece of gear in use. Notwithstanding the fee rates for  
5 23 gear tags of under subsection 7 5, the minimum fee for a gear  
5 24 tag is five dollars. All tags are valid for ten years from  
5 25 the date of issue. In addition to the gear tags, all gear  
5 26 shall be tagged with a ~~metal~~ weather-resistant tag showing the  
5 27 name and address of the licensee and whether the gear is fish  
5 28 or turtle gear.

5 29 ~~5. 3.~~ All numbered fish gear tags are interchangeable  
5 30 among the different types of commercial fishing gear.

5 31	<del>6. 4.</del> Annual license fees are as follows:	
5 32	a. Commercial <u>fishing fisher</u> , resident.....	\$ 200.00
5 33	b. Commercial <u>fishing fisher</u> , nonresident.....	\$ 400.00
5 34	c. <del>Designated operator</del> <u>Commercial fish helper</u> ,	
5 35	resident.....	\$ 50.00
6 1	d. <del>Designated operator</del> <u>Commercial fish helper</u> ,	
6 2	nonresident.....	\$ 100.00
6 3	e. <u>Commercial fish buyer, resident</u> .....	\$ 250.00
6 4	f. <u>Commercial fish buyer, nonresident</u> .....	\$ 500.00
6 5	<del>e. g.</del> <u>Commercial turtle fisher, resident</u> .....	\$ 50.00
6 6		200.00
6 7	<del>f. h.</del> <u>Commercial turtle fisher, nonresident</u> .....	\$ 100.00
6 8		400.00
6 9	g. <u>Commercial mussel fisher, resident</u> .....	\$ 100.00
6 10	h. <u>Commercial mussel buyer, resident</u> .....	\$1,000.00
6 11	i. <u>Commercial mussel buyer, nonresident</u> .....	\$5,000.00
6 12	j. <u>Boundary water sport trotline, resident</u> .....	\$ 10.00
6 13	k. <u>Boundary water sport trotline, nonresident</u> ....	\$ 20.00
6 14	l. <u>Commercial mussel fisher, nonresident</u> .....	\$2,500.00
6 15	m. <u>Commercial mussel helper, resident</u> .....	\$ 50.00
6 16	n. <u>Commercial mussel helper, nonresident</u> .....	\$ 200.00
6 17	i. <u>Commercial turtle helper, resident</u> .....	\$ 50.00
6 18	j. <u>Commercial turtle helper, nonresident</u> .....	\$ 100.00
6 19	k. <u>Commercial turtle buyer, resident</u> .....	\$ 250.00
6 20	l. <u>Commercial turtle buyer, nonresident</u> .....	\$ 500.00

6 21	<del>7. 5.</del> Commercial fish gear tags are required on the 6 22 following units of commercial fishing gear at the listed fee:	
6 23	a. Seine, resident, one gear tag for	
6 24	each 100 feet or fraction thereof.....	\$1.00
6 25	b. Seine, nonresident, one gear tag for	
6 26	each 100 feet or fraction thereof.....	\$2.00
6 27	c. Trammel net, resident, one gear tag	
6 28	for each 100 feet or fraction thereof.....	\$1.00
6 29	d. Trammel net, nonresident, one gear	
6 30	tag for each 100 feet or fraction thereof.....	\$2.00
6 31	e. Gill net, resident, one gear tag for	
6 32	each 100 feet or fraction thereof.....	\$1.00
6 33	f. Gill net, nonresident, one gear tag	
6 34	for each 100 feet or fraction thereof.....	\$2.00
6 35	g. Entrapment nets, resident, one	
7 1	gear tag per net.....	\$1.00
7 2	h. Entrapment nets, nonresident, one	
7 3	gear tag per net.....	\$2.00

7 4 i. Commercial trotline, resident, one  
7 5 gear tag for each 50 hooks or less..... \$1.00  
7 6 j. Commercial trotline, nonresident,  
7 7 one gear tag for each 50 hooks or less..... \$2.00  
7 8 ~~8- 6.~~ Turtle trap gear tags are not interchangeable with  
7 9 other commercial gear. Turtle trap gear tag fees are as  
7 10 follows:  
7 11 a. Commercial turtle trap, resident,  
7 12 one gear tag per trap..... \$1.00  
7 13 b. Commercial turtle trap, nonresident,  
7 14 one gear tag per trap..... \$2.00  
7 15 Sec. 5. Section 482.5, Code 2007, is amended to read as  
7 16 follows:  
7 17 482.5 COMMERCIAL GEAR.  
7 18 It is lawful for a person who is legally licensed to  
7 19 ~~harvest~~ commercial fish or turtles to use the commercial  
7 20 ~~fishing~~ gear of a design, construction, size, season, and all  
7 21 other criteria established by the commission for taking those  
7 22 species of fish and turtles designated by the commission by  
7 23 rule.  
7 24 Sec. 6. Section 482.7, Code 2007, is amended to read as  
7 25 follows:  
7 26 482.7 GEAR ATTENDANCE.  
7 27 ~~The A commercial fisher or commercial turtle fisher~~  
7 28 ~~licensee or a designated operator~~ must be present when ~~lifting~~  
7 29 ~~commercial gear is operated. A commercial fish helper or~~  
7 30 ~~commercial turtle helper shall not operate commercial gear~~  
7 31 ~~except under the direct supervision of the appropriate~~  
7 32 ~~commercial fisher or commercial turtle fisher. A nonresident~~  
7 33 ~~commercial turtle helper is licensed only to assist a licensed~~  
7 34 ~~nonresident commercial turtle fisher. Commercial gear shall~~  
7 35 be lifted and emptied of catch as provided by the rules of the  
8 1 commission. Constant attendance by the ~~licensee or a~~  
8 2 ~~designated operator commercial fisher~~ of seines, trammel nets,  
8 3 and gill nets is required when the gear is fished by driving,  
8 4 drive-seining, seining, floating, or drifting methods.  
8 5 Officers of the commission ~~shall~~ may grant a reasonable  
8 6 extension of gear attendance intervals ~~in cases of inclement~~  
8 7 ~~weather or unsafe conditions only upon the request of a~~  
8 8 ~~commercial fisher or commercial turtle fisher who specifies~~  
8 9 ~~why an extension is necessary.~~  
8 10 Sec. 7. Section 482.8, subsection 1, Code 2007, is amended  
8 11 to read as follows:  
8 12 1. It is lawful for licensed commercial fishers,  
8 13 ~~designated operators, and~~ commercial turtle fishers,  
8 14 ~~licensed sport trotline fishers~~ to pursue, take, possess, and  
8 15 transport any commercial fish or their parts, bait fish,  
8 16 turtles, frogs, salamanders, leeches, crayfish, or any other  
8 17 aquatic invertebrates for bait unless otherwise prohibited by  
8 18 law.  
8 19 Sec. 8. Section 482.9, subsection 4, Code 2007, is amended  
8 20 to read as follows:  
8 21 4. For a person to lift or to fish licensed commercial  
8 22 gear of another person, except by the licensee ~~and the~~  
8 23 ~~licensee's designated operators.~~  
8 24 Sec. 9. Section 482.10, Code 2007, is amended to read as  
8 25 follows:  
8 26 482.10 SALE OF COMMERCIAL FISH.  
8 27 1. ~~A person possessing a~~ All persons who commercially  
8 28 take, attempt to take, possess, process, transport, sell, or  
8 29 buy fish or their parts shall possess an appropriate, valid  
8 30 commercial fishing license or designated operator's license  
8 31 may possess and sell any commercial fish, turtles, or  
8 32 freshwater mussels, or their parts, which have been lawfully  
8 33 taken.  
8 34 a. A commercial fisher license is required to operate  
8 35 commercial fishing gear and to take, attempt to take, possess,  
9 1 process, transport, or sell any commercial fish, commercial  
9 2 turtles, or their parts. A commercial fisher is not permitted  
9 3 to buy commercial fish, commercial turtles, or their parts.  
9 4 b. A commercial fish helper license is required to assist  
9 5 a commercial fisher in operating commercial fishing gear, and  
9 6 in taking, attempting to take, possessing, processing, or  
9 7 transporting commercial fish, commercial turtles, or their  
9 8 parts. A commercial fish helper is not permitted to buy or  
9 9 sell commercial fish, commercial turtles, or their parts.  
9 10 c. A commercial fish buyer license is required to buy and  
9 11 sell commercial fish or their parts. Restaurants; licensed  
9 12 premises where alcoholic beverages, wine, or beer are sold or  
9 13 consumed under authority of a liquor control license, wine  
9 14 permit, or beer permit; and public benefit corporations exempt

~~9 15 under section 501(c)(3) of the Internal Revenue Code, or any  
9 16 successor section, that purchase commercial fish or their  
9 17 parts for retail sale and human consumption on their premises  
9 18 are not required to obtain a commercial fish buyer license.~~

~~9 19 2. All intrastate and interstate shipments of commercial  
9 20 fish or turtles must be accompanied by a label which shows the  
9 21 name and address of the seller and the kinds and pounds of the  
9 22 catches being sold. Individuals purchasing fish, turtles, or  
9 23 mussels from a commercial fisher, turtle fisher, or mussel  
9 24 fisher need not possess a license.~~

~~9 25 Sec. 10. Section 482.11, subsections 1 and 3, Code 2007,  
9 26 are amended to read as follows:~~

~~9 27 1. A person shall not attempt to take, possess, or process, transport, sell, or buy  
9 28 turtles from the waters of the state without or their parts  
9 29 shall possess an appropriate, valid commercial license.~~

~~9 31 a. A valid sport fishing commercial turtle fisher license  
9 32 entitles a person is required to operate commercial turtle  
9 33 fishing gear and to take and, attempt to take, possess a  
9 34 maximum of one hundred pounds of live turtles or fifty pounds  
9 35 of dressed, process, transport, or sell commercial turtles or  
10 1 their parts. The sale of live or dressed turtles is not  
10 2 permitted with a sport fishing license. A commercial turtle  
10 3 fisher is not permitted to buy commercial turtles or their  
10 4 parts. Nonresident turtle fishers shall harvest turtles only  
10 5 from the boundary waters.~~

~~10 6 b. A commercial turtle helper license is required to take  
10 7 and possess more than one hundred pounds of live or fifty  
10 8 pounds of dressed turtles. The holder of a assist a  
10 9 commercial turtle license may sell live or dressed fisher in  
10 10 operating commercial turtle fishing gear, and in taking,  
10 11 attempting to take, possessing, processing, or transporting  
10 12 commercial turtles or their parts. A commercial turtle helper  
10 13 is not permitted to buy or sell turtles or their parts.~~

~~10 14 c. A commercial fishing fisher license or a designated  
10 15 operator's license entitles commercial fishers to operate any  
10 16 licensed commercial fishing gear for taking, possessing, or  
10 17 selling and to take, possess, and sell turtles taken with such  
10 18 commercial fishing gear.~~

~~10 19 d. An individual possessing a valid A commercial turtle  
10 20 buyer license may have the assistance of one unlicensed  
10 21 individual in the is required to buy and sell commercial  
10 22 taking of turtles or their parts. Restaurants; licensed  
10 23 premises where alcoholic beverages, wine, or beer are sold or  
10 24 consumed under authority of a liquor control license, wine  
10 25 permit, or beer permit; and public benefit corporations exempt  
10 26 under section 501(c)(3) of the Internal Revenue Code, or any  
10 27 successor section, that purchase commercial turtles for retail  
10 28 sale and human consumption on their premises are not required  
10 29 to obtain a commercial turtle buyer license.~~

~~10 30 3. The method of taking turtles shall only be by hand,  
10 31 hook=and=line, turtle hook, turtle trap, licensed commercial  
10 32 fishing gear, or other means designated by commission rules.  
10 33 Sport fishers may also use hook-and-line in catching turtles.~~

~~10 34 Sec. 11. Section 482.11, subsection 4, Code 2007, is  
10 35 amended by striking the subsection.~~

~~11 1 Sec. 12. Section 482.12, subsection 1, Code 2007, is  
11 2 amended by striking the subsection and inserting in lieu  
11 3 thereof the following:~~

~~11 4 1. A commercial fisher license or commercial fish helper  
11 5 license permits the licensee to take or possess up to  
11 6 twenty=four whole freshwater mussels or forty=eight mussel  
11 7 shell halves. A commercial fisher license or commercial fish  
11 8 helper license does not permit the licensee to buy or sell  
11 9 mussels or mussel shells.~~

~~11 10 Sec. 13. Section 482.14, Code 2007, is amended to read as  
11 11 follows:~~

~~11 12 482.14 REPORTS REQUIRED.~~

~~11 13 1. All commercial fishers, and commercial turtle fishers,  
11 14 commercial mussel fishers, and commercial mussel buyers shall  
11 15 submit a monthly report supplying all information requested on  
11 16 forms furnished by the commission. Reports must be received  
11 17 by the commission no later than the fifteenth day of the  
11 18 following month.~~

~~11 19 2. Commercial fish buyers and commercial turtle buyers  
11 20 shall maintain accurate records of all their transactions.  
11 21 The records shall contain the number, weight, and species of  
11 22 fish or turtles purchased, the name and address of the seller,  
11 23 and the county or pools where the fish or turtles were taken.  
11 24 The records shall be updated within seventy=two hours of each  
11 25 transaction. Each buyer shall submit a monthly report~~

11 26 supplying all information requested on forms furnished by the  
11 27 commission. Reports must be received by the commission no  
11 28 later than the fifteenth day of the following month.  
11 29 3. Commercial fish buyers and commercial turtle buyers  
11 30 shall utilize a two-part receipt for each purchase of  
11 31 commercial species. One copy of the receipt shall be kept by  
11 32 the commercial buyer and one copy of the receipt shall be  
11 33 given to the person selling the commercial species.  
11 34 Commercial buyers and sellers shall each retain their copies  
11 35 of the receipts for five years following the date of the

12 1 transaction.  
12 2 4. Facilities and records of commercial fish buyers and  
12 3 commercial turtle buyers shall be open at all reasonable times  
12 4 for inspection by any conservation officer.

12 5 Sec. 14. Section 483A.1, subsection 1, Code 2007, is  
12 6 amended by adding the following new paragraph:  
12 7 NEW PARAGRAPH. u. Boundary waters sport trotline,  
12 8 annual..... \$ 20.50

12 9 Sec. 15. Section 483A.1, subsection 2, Code 2007, is  
12 10 amended by adding the following new paragraph:  
12 11 NEW PARAGRAPH. w. Boundary waters sport trotline,  
12 12 annual..... \$ 40.50

12 13 Sec. 16. Section 483A.1A, Code 2007, is amended by adding  
12 14 the following new subsection:

12 15 NEW SUBSECTION. 0A. "Boundary waters" means the waters of

12 16 the Mississippi, Missouri, and Big Sioux rivers.  
12 17 Sec. 17. NEW SECTION. 483A.28 NONCOMMERCIAL HARVEST OF

12 18 AQUATIC SPECIES.

12 19 1. A boundary waters annual sport trotline license  
12 20 entitles the licensee to use a maximum of four trotlines with  
12 21 two hundred hooks in the aggregate, only on boundary waters.  
12 22 All boundary waters sport trotlines shall be tagged with the  
12 23 name and address of the licensee on a weather-resistant tag  
12 24 provided by the licensee and affixed above the waterline. A  
12 25 boundary waters sport trotline licensee is not permitted to  
12 26 sell fish or turtles taken pursuant to the license.

12 27 2. A valid fishing license issued pursuant to this chapter  
12 28 entitles the licensee to take and possess a maximum of one  
12 29 hundred pounds of live turtles or fifty pounds of dressed  
12 30 turtles. Any unattended fishing gear used to take turtles  
12 31 pursuant to a fishing license shall be tagged with the name  
12 32 and address of the licensee on a weather-resistant tag  
12 33 provided by the licensee and affixed above the waterline. A  
12 34 fishing licensee is not permitted to sell live or dressed  
12 35 turtles taken pursuant to the license.

13 1 3. A valid fishing license issued pursuant to this chapter  
13 2 entitles the licensee to take and possess a maximum amount of  
13 3 mussels or shells daily as authorized by rule of the  
13 4 department or commission under the authority of sections  
13 5 456A.24, 481A.38, 481A.39, and 482.1. A fishing licensee is  
13 6 not permitted to sell freshwater mussels or shells taken  
13 7 pursuant to the license.

13 8 Sec. 18. Section 805.8B, subsection 3, paragraph n, Code  
13 9 2007, is amended to read as follows:

13 10 n. For violations of section 482.11 relating to turtles+

13 11 ~~(1) For commercial turtle violations, the scheduled fine~~  
13 12 ~~is one hundred dollars.~~

13 13 ~~(2) For sport turtle violations, the scheduled fine is~~  
13 14 ~~fifty dollars.~~

13 15 Sec. 19. Section 805.8B, subsection 3, paragraph o, Code  
13 16 2007, is amended to read as follows:

13 17 o. For violations of section 482.12 relating to mussels+

13 18 ~~(1) For commercial mussel violations, the scheduled fine~~  
13 19 ~~is one hundred dollars.~~

13 20 ~~(2) For sport mussel violations, the scheduled fine is~~  
13 21 ~~fifty dollars.~~

13 22 Sec. 20. Section 805.8B, subsection 3, Code 2007, is  
13 23 amended by adding the following new paragraph:

13 24 NEW PARAGRAPH. qq. For violations of section 483A.28,  
13 25 other than license violations, the scheduled fine is twenty=  
13 26 five dollars.

13 27 EXPLANATION

13 28 This bill relates to the regulation under Code chapter 482  
13 29 of the harvesting of commercial fish, turtles, and freshwater  
13 30 mussels by residents and nonresidents and provides for license  
13 31 fees and penalties.

13 32 The bill requires a person involved in taking, attempting  
13 33 to take, possessing, selling, or buying commercial fish or  
13 34 turtles to obtain an appropriate, valid commercial license. A  
13 35 commercial fisher licensee, operating commercial fishing gear,  
14 1 is allowed to take and sell commercial turtles. Commercial

14 2 fisher licensees and commercial turtle licensees are allowed  
14 3 to take any commercial fish, bait fish, turtles, frogs,  
14 4 salamanders, leeches, crayfish, or any other aquatic  
14 5 invertebrates for bait unless otherwise prohibited by law.  
14 6 A commercial fisher or commercial turtle fisher licensee is  
14 7 not permitted to buy commercial fish or turtles. Nonresident  
14 8 turtle fishers are permitted to harvest turtles only from the  
14 9 boundary waters, that is, the waters of the Mississippi,  
14 10 Missouri, and Big Sioux rivers.  
14 11 In addition, commercial turtle fisher license fees are  
14 12 increased from \$50 to \$200 for residents and from \$100 to \$400  
14 13 for nonresidents.  
14 14 Licenses are required for commercial fish helpers or turtle  
14 15 helpers to assist a commercial fisher or turtle fisher in  
14 16 operation of the appropriate commercial gear and in taking,  
14 17 attempting to take, possessing, processing, or transporting  
14 18 commercial fish or turtles. A commercial fish helper or  
14 19 turtle helper is not permitted to buy or sell commercial fish  
14 20 or turtles respectively.  
14 21 The commercial fish helper licenses are in lieu of the  
14 22 designated operator licenses that were previously available at  
14 23 \$50 for residents and \$100 for nonresidents. The new  
14 24 commercial turtle helper licenses are also \$50 for residents  
14 25 and \$100 for nonresidents.  
14 26 Licenses are required for commercial fish buyers or turtle  
14 27 buyers to buy and sell commercial fish or turtles. A  
14 28 restaurant, licensed premises where alcoholic beverages, wine,  
14 29 or beer are sold or consumed, or a nonprofit corporation may  
14 30 buy commercial fish or turtles for retail sale and human  
14 31 consumption on their premises without purchasing a fish or  
14 32 turtle buyer license.  
14 33 The new commercial fish buyer and turtle buyer licenses  
14 34 cost \$250 for residents and \$500 for nonresidents.  
14 35 Commercial mussel fisher, commercial mussel helper, and  
15 1 commercial mussel buyer licenses are no longer available for  
15 2 residents or nonresidents. A commercial fisher or commercial  
15 3 fish helper licensee is permitted to take or possess up to 24  
15 4 whole freshwater mussels or 48 mussel shell halves, but such a  
15 5 licensee is not permitted to buy or sell freshwater mussels or  
15 6 shells.  
15 7 The bill provides that a commercial fisher or turtle fisher  
15 8 must be present when commercial gear is being operated. A  
15 9 commercial fish helper or turtle helper is not permitted to  
15 10 operate commercial gear except under the direct supervision of  
15 11 the appropriate commercial fisher or turtle fisher. A  
15 12 nonresident commercial turtle helper is licensed only to  
15 13 assist a licensed nonresident commercial turtle fisher. A  
15 14 commercial fisher must be present when certain specified  
15 15 commercial gear is in use. The natural resource commission  
15 16 may grant a reasonable extension of gear attendance intervals  
15 17 only upon the request of a commercial fisher or turtle fisher  
15 18 who specifies why an extension is necessary.  
15 19 The bill requires all commercial fishers and turtle fishers  
15 20 to submit a monthly report supplying all information requested  
15 21 by the natural resource commission.  
15 22 The bill requires all commercial fish buyers or turtle  
15 23 buyers to maintain accurate records of all their transactions,  
15 24 including specified information, updated within 72 hours of  
15 25 each transaction, and submitted monthly to the natural  
15 26 resource commission.  
15 27 The bill also requires commercial fish and turtle buyers to  
15 28 use a two-part receipt, with the buyer and seller each  
15 29 retaining a copy of the receipt for five years following the  
15 30 transaction. Facilities and records of such buyers must be  
15 31 open at all reasonable times for inspection by conservation  
15 32 officers.  
15 33 The penalty for a violation of the commercial fishing  
15 34 provisions contained in Code chapter 482 is a scheduled fine  
15 35 of \$100 unless another fine is otherwise specified.  
16 1 The bill moves language concerning boundary waters sport  
16 2 trotline licenses from Code chapter 482 to Code chapter 483A  
16 3 and increases the annual fee for such a license from \$10 to  
16 4 \$20 for residents and from \$20 to \$40 for nonresidents.  
16 5 The bill moves language concerning the use of boundary  
16 6 waters sports trotline licenses from Code section 482.4 to new  
16 7 Code section 483A.28 and allows such a licensee to use a  
16 8 maximum of four trotlines with 200 hooks in the aggregate,  
16 9 only on boundary waters, which are properly tagged with the  
16 10 licensee's name and address. A boundary waters sport trotline  
16 11 licensee is not permitted to sell fish or turtles taken  
16 12 pursuant to the license.

16 13 The bill moves language concerning the taking and  
16 14 possessing of turtles with a sport fishing license from Code  
16 15 section 482.11 to new Code section 483A.28 and allows such a  
16 16 licensee to take and possess a maximum of 100 pounds of live  
16 17 turtles or 50 pounds of dressed turtles, using fishing gear  
16 18 that is properly tagged with the licensee's name and address.  
16 19 A sport fishing licensee is not permitted to sell live or  
16 20 dressed turtles taken pursuant to the license.

16 21 The bill also moves language concerning the taking and  
16 22 possessing of mussels or shells with a sport fishing license  
16 23 from Code section 482.12 to new Code section 483A.28 and  
16 24 allows such a licensee to take and possess a maximum amount of  
16 25 mussels or shells daily as is authorized by the natural  
16 26 resource commission by rule. A sport fishing licensee is not  
16 27 permitted to sell mussels or shells taken pursuant to the  
16 28 license.

16 29 The penalty for unlawfully taking turtles or mussels with a  
16 30 sport fishing license under new Code section 483A.28 is a  
16 31 scheduled fine of \$50 for residents and \$70 for nonresidents  
16 32 pursuant to Code section 805.8B, subsection 3, paragraph "p".  
16 33 Previously, the scheduled fine for sport turtle or sport  
16 34 mussel violations was \$50 for residents and nonresidents. The  
16 35 bill adds a new paragraph to Code section 805.8B, subsection  
17 1 3, providing that for violations of new Code section 483A.28,  
17 2 other than license violations, the scheduled fine is \$25.  
17 3 This language is similar to the penalty for gear tag  
17 4 violations involving commercial licenses that is contained in  
17 5 Code section 805.8B, subsection 3, paragraph "m", and is also  
17 6 a scheduled fine of \$25.

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