

Senate Study Bill 1067

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 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 1406DP 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 6. 4. Annual license fees are as follows:~~
5 32 a. Commercial ~~fishing~~ fisher, resident..... \$ 200.00
5 33 b. Commercial ~~fishing~~ fisher, nonresident..... \$ 400.00
5 34 c. ~~Designated operator~~ Commercial fish helper,
5 35 resident..... \$ 50.00
6 1 d. ~~Designated operator~~ Commercial fish helper,
6 2 nonresident..... \$ 100.00
6 3 e. Commercial fish buyer, resident..... \$ 250.00
6 4 f. Commercial fish buyer, nonresident..... \$ 500.00
6 5 ~~e. g. Commercial turtle fisher, resident..... \$ 50.00~~
6 6 ~~200.00~~
6 7 ~~f. h. Commercial turtle fisher, nonresident..... \$ 100.00~~
6 8 ~~400.00~~
6 9 ~~g. Commercial mussel fisher, resident..... \$ 100.00~~
6 10 ~~h. Commercial mussel buyer, resident..... \$1,000.00~~
6 11 ~~i. Commercial mussel buyer, nonresident..... \$5,000.00~~
6 12 ~~j. Boundary water sport trotline, resident..... \$ 10.00~~
6 13 ~~k. Boundary water sport trotline, nonresident.... \$ 20.00~~
6 14 ~~l. Commercial mussel fisher, nonresident..... \$2,500.00~~
6 15 ~~m. Commercial mussel helper, resident..... \$ 50.00~~
6 16 ~~n. Commercial mussel helper, nonresident..... \$ 200.00~~
6 17 ~~i. Commercial turtle helper, resident..... \$ 50.00~~
6 18 ~~j. Commercial turtle helper, nonresident..... \$ 100.00~~
6 19 ~~k. Commercial turtle buyer, resident..... \$ 250.00~~
6 20 ~~l. Commercial turtle buyer, nonresident..... \$ 500.00~~

~~6 21 7. 5. 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, and~~
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 ~~All persons who commercially take,~~
9 28 ~~attempt to take, possess, or process, transport, sell, or buy~~
9 29 ~~turtles from the waters of the state without or their parts~~
9 30 ~~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 stricken.

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.
17 7 LSB 1406DP 82
17 8 av:nh/je/5.1