

Senate File 388 - Introduced

SENATE FILE _____
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO SSB 1157)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to regulation of certain conservation and
2 recreation activities under the jurisdiction of the department
3 of natural resources, modifying fees, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2094SV 83
7 av/sc/8

PAG LIN

1 1 Section 1. Section 321G.2, subsection 1, paragraph e, Code
1 2 2009, is amended to read as follows:
1 3 e. Establishment of a program of grants, subgrants, and
1 4 contracts to be administered by the department for the
1 5 development and delivery of certified courses of instruction
~~1 6 for the safe use and operation of snowmobiles, maintenance,~~
~~1 7 and operation of designated snowmobile trails and grooming~~
~~1 8 equipment~~ by political subdivisions and incorporated private
1 9 organizations.
1 10 Sec. 2. Section 321G.2, subsection 1, Code 2009, is
1 11 amended by adding the following new paragraphs:
1 12 NEW PARAGRAPH. i. Establishment of a certified education
1 13 course for the operation of snowmobile grooming equipment.
1 14 NEW PARAGRAPH. j. Establishment of a certified education
1 15 course for the safe use and operation of snowmobiles.
1 16 NEW PARAGRAPH. k. Certification of volunteer snowmobile
1 17 education instructors.
1 18 Sec. 3. Section 321G.11, subsection 1, Code 2009, is
1 19 amended by striking the subsection and inserting in lieu
1 20 thereof the following:
1 21 1. The exhaust of every internal combustion engine used in
1 22 any snowmobile shall be effectively muffled by equipment
1 23 constructed and used to muffle all snowmobile noise in a
1 24 reasonable manner in accordance with rules adopted by the
1 25 commission.
1 26 Sec. 4. Section 321G.21, subsection 9, Code 2009, is
1 27 amended to read as follows:
1 28 9. The ~~department~~ commission may adopt rules consistent
1 29 with this chapter establishing minimum requirements for
1 30 dealers. In adopting such rules, the ~~department~~ commission
1 31 shall consider the need to protect persons, property, and the
1 32 environment and to promote uniformity of practices relating to
1 33 the sale and use of snowmobiles. The commission may also
~~1 34 adopt rules providing for the suspension or revocation of a~~
~~1 35 dealer's special registration certificate issued pursuant to~~
~~2 1 this section.~~
2 2 Sec. 5. Section 321G.24, subsection 3, Code 2009, is
2 3 amended to read as follows:
2 4 3. Any person who is required to have a safety certificate
2 5 under this chapter and who has completed a course of
2 6 instruction established under section 321G.2, subsection 1,
2 7 paragraph "~~e~~" "j", including the successful passage of an
2 8 examination which includes a written test relating to such
2 9 course of instruction, shall be considered qualified to apply
~~2 10 for receive~~ a safety certificate. ~~The commission may waive~~
~~2 11 the requirement of completing such course of instruction if~~
~~2 12 such person successfully passes a written test based on such~~
~~2 13 course of instruction.~~

2 14 Sec. 6. Section 321I.1, subsection 1, paragraph c, Code
2 15 2009, is amended by striking the paragraph.

2 16 Sec. 7. Section 321I.1, subsection 16, Code 2009, is
2 17 amended to read as follows:

2 18 16. a. "Off=road utility vehicle" means a motorized
2 19 flotation=tire vehicle with not less than four and not more
2 20 than ~~six~~ eight low=pressure tires that is limited in engine
2 21 displacement to less than one thousand five hundred cubic
2 22 centimeters and in total dry weight to not more than one
2 23 thousand eight hundred pounds and that has a seat that is of
2 24 bucket or bench design, not intended to be straddled by the
2 25 operator, and a steering wheel or control levers for control.

2 26 b. An owner of an off=road utility vehicle may register or
2 27 title an off=road utility vehicle in order to legally operate
2 28 the off=road vehicle on public ice, a designated riding area,
2 29 or a designated riding trail. The operator of an off=road
2 30 utility vehicle is subject to provisions governing the
2 31 operation of all=terrain vehicles in section 321.234A and this
2 32 chapter, but is exempt from the safety instruction and
2 33 certification program requirements of sections 321I.25 and
2 34 321I.26. An operator of an off=road utility vehicle shall not

2 35 operate the vehicle on a designated riding area or designated
3 1 riding trail unless the department has posted signage
3 2 indicating the riding area or trail is open to the operation
3 3 of off=road utility vehicles. Off=road utility vehicles are
3 4 exempt from the dealer registration and titling requirements
3 5 of this chapter. A motorized vehicle that was previously
3 6 titled or is currently titled under chapter 321 shall not be
3 7 registered or operated as an off=road utility vehicle.

3 8 Sec. 8. Section 321I.2, subsection 1, paragraph e, Code
3 9 2009, is amended to read as follows:

3 10 e. Establishment of a program of grants, subgrants, and
3 11 contracts to be administered by the department for the
3 12 development and delivery of certified courses of instruction
3 13 for the safe use and operation of all=terrain vehicles,
3 14 maintenance, and operation of designated all=terrain vehicle
3 15 riding areas and trails by political subdivisions and
3 16 incorporated private organizations.

3 17 Sec. 9. Section 321I.2, subsection 1, paragraph i, Code
3 18 2009, is amended by striking the paragraph and inserting in
3 19 lieu thereof the following:

3 20 i. Establishment of a certified education course for the
3 21 safe use and operation of all=terrain vehicles.

3 22 Sec. 10. Section 321I.2, subsection 1, Code 2009, is
3 23 amended by adding the following new paragraph:

3 24 NEW PARAGRAPH. j. Certification of volunteer all=terrain
3 25 vehicle education instructors.

3 26 Sec. 11. Section 321I.10, subsection 2, Code 2009, is
3 27 amended to read as follows:

3 28 2. A registered all=terrain vehicle may be operated on the
3 29 roadways of that portion of county highways designated by the
3 30 county board of supervisors for such use during a specified
3 31 period. The county board of supervisors shall evaluate the
3 32 traffic conditions on all county highways and designate
3 33 roadways on which all=terrain vehicles may be operated for the
3 34 specified period without unduly interfering with or
3 35 constituting an undue hazard to conventional motor vehicle
4 1 traffic. Signs At the request of the county board of
4 2 supervisors, signs warning of the operation of all=terrain
4 3 vehicles on the roadway shall be placed and maintained by the
4 4 department at the department's expense on the portions of
4 5 highway thus designated during the period specified for the
4 6 operation.

4 7 Sec. 12. Section 321I.22, subsection 9, Code 2009, is
4 8 amended to read as follows:

4 9 9. The department commission may adopt rules consistent
4 10 with this chapter establishing minimum requirements for
4 11 dealers. In adopting such rules, the department shall
4 12 consider the need to protect persons, property, and the
4 13 environment and to promote uniformity of practices relating to
4 14 the sale and use of all=terrain vehicles. The commission may
4 15 also adopt rules providing for the suspension or revocation of
4 16 a dealer's special registration certificate issued pursuant to
4 17 this section.

4 18 Sec. 13. Section 321I.26, subsection 3, Code 2009, is
4 19 amended to read as follows:

4 20 3. Any person who is required to have a safety certificate
4 21 under this chapter and who has completed a course of
4 22 instruction established under section 321I.2, subsection 1,
4 23 paragraph "e" "i", including the successful passage of an
4 24 examination which includes either a written test relating to

4 25 such course of instruction or the demonstration of adequate
4 26 riding skills, shall be considered qualified to apply for
4 27 receive a safety certificate. ~~The commission may waive the~~
4 28 ~~requirement of completing such course of instruction if such~~
4 29 ~~person successfully passes a written test based on such course~~
4 30 ~~of instruction.~~

4 31 Sec. 14. Section 452A.17, subsection 1, paragraph a,
4 32 subparagraph (7), Code 2009, is amended to read as follows:

4 33 (7) A bona fide commercial fisher, licensed and operating
4 34 under an owner's certificate for commercial ~~fishing~~ gear
4 35 issued pursuant to section 482.4.

5 1 Sec. 15. Section 481A.122, Code 2009, is amended by adding
5 2 the following new subsection:

5 3 NEW SUBSECTION. 3. This section is not applicable to a
5 4 person who is legally hunting with a raptor.

5 5 Sec. 16. Section 481A.130, subsection 1, paragraphs d and
5 6 e, Code 2009, are amended to read as follows:

5 7 d. For each ~~fish~~, reptile, mussel, or amphibian, fifteen
5 8 dollars.

5 9 e. For each beaver, bobcat, mink, otter, red fox, gray
5 10 fox, or raccoon, two hundred dollars.

5 11 Sec. 17. Section 481A.130, subsection 1, Code 2009, is
5 12 amended by adding the following new paragraph:

5 13 NEW PARAGRAPH. i. For each fish, reimbursement shall be
5 14 as follows:

5 15 (1) For each fish of a species other than shovelnose
5 16 sturgeon, with an established daily limit greater than
5 17 twenty=five, fifteen dollars.

5 18 (2) For each fish of a species other than paddlefish and
5 19 muskellunge, with an established daily limit of twenty=five or
5 20 less, fifty dollars.

5 21 (3) For each shovelnose sturgeon, paddlefish, and
5 22 muskellunge, one thousand dollars.

5 23 Sec. 18. Section 481A.130, Code 2009, is amended by adding
5 24 the following new subsection:

5 25 NEW SUBSECTION. 4. This section does not apply to a
5 26 person who is liable to pay restitution to the department
5 27 pursuant to section 481A.151 for injury to a wild animal
5 28 caused by polluting a water of this state in violation of
5 29 state law.

5 30 Sec. 19. Section 482.1, Code 2009, is amended to read as
5 31 follows:

5 32 482.1 AUTHORITY OF THE COMMISSION.

5 33 1. The natural resource commission shall observe,
5 34 administer, and enforce this chapter. The natural resource
5 35 commission may adopt and enforce rules under chapter 17A as
6 1 necessary to carry out this chapter.

6 2 2. The natural resource commission may:

6 3 ~~1-~~ a. Remove or cause to be removed from the waters of
6 4 the state any aquatic species that in the judgment of the
6 5 commission is an underused renewable resource or has a
6 6 detrimental effect on other aquatic populations. All proceeds
6 7 from a sale of these aquatic organisms shall be credited to
6 8 the state fish and game protection fund.

6 9 ~~2-~~ b. Issue to any person a permit or license authorizing
6 10 that person to take, possess, and sell underused, undesirable,
6 11 or injurious aquatic organisms from the waters of the state.
6 12 The person receiving a permit or license shall comply with the
6 13 applicable provisions of this chapter.

6 14 ~~3-~~ c. Authorize the director to enter into written
6 15 contracts for the removal of underused, undesirable, or
6 16 injurious organisms from the waters of the state. The
6 17 contracts shall specify all terms and conditions desired.
6 18 Sections 482.4, 482.6, and 482.14 do not apply to these
6 19 contracts.

6 20 ~~4-~~ d. Prohibit, restrict, or regulate commercial fishing,
6 21 and commercial turtle fishing, and commercial mussel fishing
6 22 harvesting in any waters of the state.

6 23 ~~5-~~ e. Revoke the license of a licensee ~~and the licensee's~~
6 24 ~~designated operators~~ for up to one year if the licensee ~~or any~~
6 25 ~~designated operator~~ has been convicted of a violation of
6 26 chapter 481A, 482, or 483A. A licensee shall not continue
6 27 commercial fishing while a license issued by the natural
6 28 resource commission or issued by another state is under
6 29 revocation or suspension.

6 30 ~~6-~~ f. Regulate the numbers of commercial fishers, ~~and~~
6 31 ~~commercial turtle fishers, and commercial mussel fishers~~
6 32 harvesters and the amount, type, seasonal use, mesh size,
6 33 construction and design, manner of use, and other criteria
6 34 relating to the use of commercial gear for any body of water
6 35 or part thereof.

7 1 ~~7. g.~~ Establish catch quotas, seasons, size limits, and
7 2 other regulations for any species of commercial fish, ~~or~~
7 3 turtles, ~~or mussels~~ for any body of water or part thereof.

7 4 ~~8. h.~~ Designate by listing species as commercial fish, ~~or~~
7 5 turtles, ~~or mussels~~.

7 6 ~~9. i.~~ Designate any body of water or its part as
7 7 protected habitat and restrict, prohibit, or otherwise
7 8 regulate the taking of commercial fish, ~~and~~ turtles, ~~and~~
~~7 9 mussels~~ in protected habitat areas.

7 10 ~~3.~~ Employees of the ~~commission department~~ may lift and
7 11 inspect any commercial gear at any time ~~when being used~~ and
7 12 may inspect commercial catches, commercial markets, and
7 13 landings, and examine ~~catch sale and purchase~~ records of
7 14 commercial fishers, commercial turtle ~~fishers~~ harvesters, and
7 15 commercial ~~mussel fishers~~ roe harvesters, ~~commercial turtle~~
7 16 ~~buyers, and commercial roe buyers~~ upon demand.

7 17 ~~4. Officers~~ Employees of the ~~commission department~~ may
7 18 seize and retain as evidence any illegal fish, ~~or~~ turtles, ~~or~~
~~7 19 mussels~~, or any illegal commercial gear, or any other personal
7 20 property used in violation of any provision of the Code, and
7 21 may confiscate any untagged or illegal commercial gear as
7 22 contraband.

7 23 Sec. 20. Section 482.2, Code 2009, is amended to read as
7 24 follows:

7 25 482.2 DEFINITIONS.

7 26 As used in this chapter, unless the context otherwise
7 27 requires:

7 28 1. "Boundary waters" means the waters of the Mississippi,
7 29 Missouri, and Big Sioux rivers.

7 30 ~~2. "Commercial fish helper" means a person who is licensed~~
7 31 ~~by the state to assist a commercial fisher or a commercial roe~~
7 32 ~~harvester in operating commercial gear or in taking,~~
7 33 ~~attempting to take, possessing, or transporting commercial~~
7 34 ~~fish, roe species, roe, or turtles.~~

7 35 ~~2. 3. "Commercial fisher" means a person who is licensed~~
8 1 ~~by the state to take and sell fish from waters of the state,~~
8 2 ~~attempt to take, possess, transport, sell, barter, or trade~~
8 3 ~~turtles or turtle eggs, commercial fish except roe species, or~~
8 4 ~~fish parts except roe.~~

8 5 ~~3. 4. "Commercial fishing" means taking, attempting to~~
8 6 ~~take, possessing, or transporting of commercial fish or~~
8 7 ~~turtles for the purpose of selling, bartering, exchanging~~
8 8 ~~trading, offering, or exposing for sale.~~

8 9 ~~4. 5. "Commercial gear" means the capturing equipment~~
8 10 ~~used by commercial fishers, commercial roe harvesters, and~~
8 11 ~~commercial turtle fishers, and commercial mussel fishers~~
8 12 ~~harvesters.~~

8 13 ~~5. "Commercial mussel fisher" means a person who is~~
~~8 14 licensed to take and sell freshwater mussels from waters of~~
~~8 15 the state. A resident commercial mussel license holder must~~
~~8 16 have resided in this state for one year preceding the person's~~
~~8 17 application for a commercial mussel fishing license.~~

8 18 ~~6. "Commercial mussel fishing" means taking, attempting to~~
~~8 19 take, or transporting of freshwater mussels for the purpose of~~
~~8 20 selling, bartering, exchanging, offering, or exposing for~~
~~8 21 sale.~~

8 22 ~~6. "Commercial roe buyer" means a person who is licensed~~
8 23 ~~by the state to engage in the business of buying, selling,~~
8 24 ~~bartering, or trading of roe and roe species.~~

8 25 ~~7. "Commercial roe harvester" means a person who is~~
8 26 ~~licensed by the state to engage in the harvest and sale,~~
8 27 ~~barter, or trade of roe and roe species.~~

8 28 ~~7. 8. "Commercial species" means species of fish, and~~
8 29 ~~turtles, and freshwater mussels which may be lawfully taken~~
8 30 ~~and sold by commercial fishers, commercial roe harvesters, and~~
8 31 ~~commercial turtle fishers harvesters, and commercial mussel~~
~~8 32 fishers, as established by rule by the commission.~~

8 33 ~~9. "Commercial turtle buyer" means a person who is~~
8 34 ~~licensed by the state to engage in the business of buying,~~
8 35 ~~selling, bartering, or trading commercial turtles or turtle~~
9 1 ~~eggs.~~

9 2 ~~9. 10. "Commercial turtle fishing harvesting" means~~
9 3 ~~taking, attempting to take, possessing, or transporting of~~
9 4 ~~commercial turtles or turtle eggs for the purpose of selling,~~
9 5 ~~bartering, exchanging trading, offering, or exposing for sale.~~

9 6 ~~8. 11. "Commercial turtle fisher" harvester" means a~~
9 7 ~~person who is licensed by the state to take, attempt to take,~~
9 8 ~~possess, transport, and sell, barter, or trade commercial~~
9 9 ~~turtles from the waters of the state or turtle eggs.~~

9 10 ~~12. "Commercial turtle helper" means a person who is~~
9 11 ~~licensed by the state to assist a commercial turtle harvester~~

~~9 12 in operating commercial gear, or in taking, attempting to
9 13 take, possessing, or transporting commercial turtles or turtle
9 14 eggs.~~

~~9 15 10- 13. "Constant attendance" means the presence of a
9 16 commercial fisher ~~or a designated operator~~ whenever commercial
9 17 gear is in use.~~

~~9 18 11- 14. "Director" means the director of the department
9 19 of natural resources, and the director's duly authorized
9 20 assistants, deputies, or agents.~~

~~9 21 12- 15. "Game fish" means all species and size categories
9 22 of fish not included as "commercial species" or minnows.~~

~~9 23 13- 16. "Inland waters of the state" means all public
9 24 waters of the state excluding the boundary waters of the
9 25 Mississippi, Big Sioux, and Missouri rivers.~~

~~9 26 14- 17. "Licensed commercial gear" means any commercial
9 27 gear that is licensed as provided in this chapter and that,
9 28 when in use, has ~~attached~~ the proper tags attached as provided
9 29 by this chapter.~~

~~9 30 15- 18. "Nonresident or alien" means a person who does
9 31 not qualify as a resident ~~of the state of Iowa either because
9 32 of a bona fide residence in another state or because of
9 33 citizenship of a country other than the United States.~~~~

~~9 34 However, "alien" does not include a person who has applied for
9 35 naturalization papers as defined in section 483A.1A.~~

~~10 1 16- 19. "Resident" means a person who is legally subject
10 2 to motor vehicle registration and driver's license laws of
10 3 this state, or who is qualified to vote in an election of this
10 4 state as defined in section 483A.1A.~~

~~10 5 20. "Roe" means fish eggs.~~

~~10 6 21. "Roe species" means fish harvested for their eggs.~~

~~10 7 Roe species include but are not limited to shovelnose sturgeon
10 8 and bowfin and any other fish defined as roe species by the
10 9 commission by rule.~~

~~10 10 17- 22. "Waters of the state" means all of the waters
10 11 under the jurisdiction of the state.~~

~~10 12 Sec. 21. Section 482.4, Code 2009, is amended to read as
10 13 follows:~~

~~10 14 482.4 COMMERCIAL LICENSES AND GEAR TAGS.~~

~~10 15 1. A person shall not use or operate commercial gear
10 16 unless ~~at least one~~ an individual is at the site where the
10 17 commercial gear is being operated who possesses an appropriate
10 18 valid commercial license, ~~or a designated operator's license.~~
10 19 A commercial license is valid from the date of issue to
10 20 January 10 of the succeeding calendar year.~~

~~10 21 2. A commercial fisher may designate a person as a
10 22 designated operator to lift and to fish with any licensed
10 23 commercial fishing gear owned by the commercial fisher. A
10 24 commercial fisher shall not have more than five designated
10 25 operators. A designated operator's license shall be assigned
10 26 to not more than three operators during a year and a
10 27 designated operator's license shall be valid for use only by
10 28 an operator who possesses the license and has signed the
10 29 license. The signature of any preceding designated operator
10 30 who possessed the license shall be crossed out. A designated
10 31 operator shall not lift or fish any commercial fishing gear
10 32 without possessing a designated operator's license which is
10 33 signed by the operator. A designated operator's license which
10 34 is not signed by the operator in possession of the license is
10 35 forfeited to the state.~~

~~11 1 3. A boundary water annual sport trotline license permits
11 2 the licensee to use a maximum of four trotlines with two
11 3 hundred hooks in the aggregate. All boundary water sport
11 4 trotlines shall be tagged with the name and address of the
11 5 licensee on a metal tag affixed above the waterline.~~

~~11 6 2. A commercial roe harvester shall possess a valid
11 7 commercial fishing license and a valid commercial roe
11 8 harvester license.~~

~~11 9 4- 3. Commercial fishers and commercial turtle fishers
11 10 harvesters shall purchase gear tags from the commission to be
11 11 affixed to each piece of gear in use. Notwithstanding the fee
11 12 rates for gear tags ~~of~~ under subsection 7 6, the minimum fee
11 13 ~~for a gear tag~~ is five dollars. All tags are valid for ten
11 14 years from the date of issue. In addition to the gear tags,
11 15 all gear shall be tagged with a ~~metal~~ weather-resistant tag
11 16 showing the name and address of the licensee and whether the
11 17 gear is fish or turtle gear.~~

~~11 18 5- 4. All numbered fish gear tags are interchangeable
11 19 among the different types of commercial fishing gear.~~

~~11 20 6- 5. Annual license fees are as follows:~~

~~11 21 a. Commercial fishing fisher, resident \$ 200.00
11 22 b. Commercial fishing fisher, nonresident \$ 400.00~~

11 23 c. ~~Designated operator Commercial fish~~
 11 24 helper, resident \$ 50.00
 11 25 d. ~~Designated operator Commercial fish~~
 11 26 helper, nonresident \$ 100.00
 11 27 e. ~~Commercial roe buyer, resident \$ 250.00~~
 11 28 f. ~~Commercial roe buyer, nonresident \$ 500.00~~
 11 29 g. ~~Commercial roe harvester, resident \$ 100.00~~
 11 30 h. ~~Commercial roe harvester, nonresident \$3,500.00~~
 11 31 i. ~~Commercial turtle buyer, resident \$ 200.00~~
 11 32 j. ~~Commercial turtle buyer, nonresident \$ 400.00~~
 11 33 ~~e- k. Commercial turtle harvester, resident \$ 50.00~~
 11 34 ~~100.00~~
 11 35 ~~f- l. Commercial turtle harvester, nonresident \$ 100.00~~
 12 1 ~~400.00~~
 12 2 ~~g- m. Commercial mussel fisher turtle helper,~~
 12 3 resident \$ 100.00
 12 4 ~~50.00~~
 12 5 ~~h- n. Commercial mussel buyer, resident \$1,000.00~~
 12 6 ~~turtle helper, nonresident 100.00~~
 12 7 ~~i. Commercial mussel buyer, nonresident \$5,000.00~~
 12 8 ~~j. Boundary water sport trotline, resident \$ 10.00~~
 12 9 ~~k. Boundary water sport trotline, nonresident ... \$ 20.00~~
 12 10 ~~l. Commercial mussel fisher, nonresident \$2,500.00~~
 12 11 ~~m. Commercial mussel helper, resident \$ 50.00~~
 12 12 ~~n. Commercial mussel helper, nonresident \$ 200.00~~
 12 13 ~~7- 6. Commercial fish gear tags are required on the~~
 12 14 following units of commercial fishing gear at the listed fee:
 12 15 a. Seine, resident, one gear tag for each
 12 16 100 feet or fraction thereof \$ 1.00
 12 17 b. Seine, nonresident, one gear tag for
 12 18 each 100 feet or fraction thereof \$ 2.00
 12 19 c. Trammel net, resident, one gear tag
 12 20 for each 100 feet or fraction thereof \$ 1.00
 12 21 d. Trammel net, nonresident, one gear
 12 22 tag for each 100 feet or fraction thereof \$ 2.00
 12 23 e. Gill net, resident, one gear tag for
 12 24 each 100 feet or fraction thereof \$ 1.00
 12 25 f. Gill net, nonresident, one gear tag
 12 26 for each 100 feet or fraction thereof \$ 2.00
 12 27 g. Entrapment nets, resident, one
 12 28 gear tag per net \$ 1.00
 12 29 h. Entrapment nets, nonresident, one
 12 30 gear tag per net \$ 2.00
 12 31 i. Commercial trotline, resident, one
 12 32 gear tag for each 50 hooks or less \$ 1.00
 12 33 j. Commercial trotline, nonresident,
 12 34 one gear tag for each 50 hooks or less \$ 2.00
 12 35 ~~8- 7. Turtle trap gear tags are not interchangeable with~~
 13 1 other commercial gear. Turtle trap gear tag fees are as
 13 2 follows:
 13 3 a. Commercial turtle trap, resident,
 13 4 one gear tag per trap \$ 1.00
 13 5 b. Commercial turtle trap, nonresident,
 13 6 one gear tag per trap \$ 2.00
 13 7 Sec. 22. Section 482.5, Code 2009, is amended to read as
 13 8 follows:
 13 9 482.5 COMMERCIAL GEAR.
 13 10 It is lawful for a person who is legally licensed to
 13 11 ~~harvest commercial fish or commercial turtles to use the~~
 13 12 ~~commercial fishing gear of a design, construction, size,~~
 13 13 ~~season, and all other criteria established by the commission~~
 13 14 ~~for taking those species of fish and turtles designated by the~~
 13 15 ~~commission by rule.~~
 13 16 Sec. 23. Section 482.7, Code 2009, is amended to read as
 13 17 follows:
 13 18 482.7 GEAR ATTENDANCE.
 13 19 ~~1. The A commercial fisher, commercial turtle harvester,~~
 13 20 ~~or commercial roe harvester licensee or a designated operator~~
 13 21 ~~must be present when lifting commercial gear is operated. A~~
 13 22 ~~commercial fish helper or commercial turtle helper shall not~~
 13 23 ~~operate commercial gear except under the direct supervision of~~
 13 24 ~~a commercial fisher, commercial turtle harvester, or~~
 13 25 ~~commercial roe harvester. A nonresident commercial turtle~~
 13 26 ~~helper is licensed only to assist a licensed nonresident~~
 13 27 ~~commercial turtle harvester. Commercial gear shall be lifted~~
 13 28 ~~and emptied of catch as provided by the rules of the~~
 13 29 ~~commission. Constant attendance by the licensee or a~~
 13 30 ~~designated operator commercial fisher of seines, trammel nets,~~
 13 31 ~~and gill nets is required when the gear is fished by driving,~~
 13 32 ~~drive=seining, seining, floating, or drifting methods.~~
 13 33 Officers of the commission shall may grant a reasonable

13 34 extension of gear attendance intervals ~~in cases of inclement~~
13 35 ~~weather or unsafe conditions only upon the request of a~~
14 1 ~~commercial fisher, commercial turtle harvester, or commercial~~
14 2 ~~roe harvester specifying why such an extension is necessary.~~
14 3 2. ~~For the purposes of this section, "direct supervision"~~
14 4 ~~means that a commercial fisher, commercial turtle harvester,~~
14 5 ~~or commercial roe harvester must be in the same boat, within~~
14 6 ~~hand=signal distance, or within vocal communication distance,~~
14 7 ~~without the help of any electronic or amplifying device, of~~
14 8 ~~the commercial fish helper or commercial turtle helper being~~
14 9 ~~supervised.~~

14 10 Sec. 24. Section 482.8, subsection 1, Code 2009, is
14 11 amended to read as follows:

14 12 1. It is lawful for licensed commercial fishers,
14 13 ~~designated operators, commercial turtle fishers, and licensed~~
14 14 ~~sport trotline fishers harvesters, and commercial roe~~
14 15 ~~harvesters~~ to pursue, take, possess, and transport any
14 16 commercial fish or their parts, bait fish, turtles, frogs,
14 17 salamanders, leeches, crayfish, or any other aquatic
14 18 invertebrates for bait unless otherwise prohibited by law.

14 19 Sec. 25. Section 482.9, subsections 4 and 7, Code 2009,
14 20 are amended to read as follows:

14 21 4. For a person to lift or to fish licensed commercial
14 22 gear of another person, except by the licensee ~~and the~~
14 23 ~~licensee's designated operators.~~

14 24 7. To block or inhibit navigation through channels with
14 25 commercial ~~fishing~~ gear unless a minimum of three feet of
14 26 water depth is maintained over float lines of any entanglement
14 27 gear or leads to trap nets. Gear shall not block over
14 28 one-half the width of a navigable channel if there is less
14 29 than three feet of water over the gear.

14 30 Sec. 26. Section 482.10, Code 2009, is amended to read as
14 31 follows:

14 32 482.10 ~~SALE OF COMMERCIAL FISH LICENSES.~~

14 33 1. ~~A person possessing a~~ All persons who commercially
14 34 ~~take, attempt to take, possess, transport, sell, barter,~~
14 35 ~~trade, or buy commercial fish or their parts shall possess an~~
15 1 appropriate, valid commercial fishing license or designated
15 2 operator's license may possess and sell any commercial fish,
15 3 turtles, or freshwater mussels, or their parts, which have
15 4 been lawfully taken. This subsection does not apply to an
15 5 individual who buys commercial fish or their parts from a
15 6 commercial fisher for personal consumption.

15 7 a. A commercial fisher license is required to operate
15 8 commercial gear and to take, attempt to take, possess,
15 9 process, transport, or sell any commercial fish, commercial
15 10 turtles, or turtle eggs.

15 11 b. A commercial fish helper license is required to assist
15 12 a commercial fisher or commercial roe harvester in operating
15 13 commercial gear and in taking, attempting to take, possessing,
15 14 or transporting commercial fish, roe species, roe, commercial
15 15 turtles, or turtle eggs. A commercial fish helper is not
15 16 permitted to buy, sell, barter, or trade commercial fish, roe
15 17 species, roe, commercial turtles, or turtle eggs. A
15 18 commercial fish helper license is not required for a person
15 19 under sixteen years of age to assist a commercial fisher as
15 20 provided in this paragraph "b".

15 21 c. A commercial roe harvester license is required to
15 22 harvest, possess, transport, or sell roe or roe species or
15 23 their parts. A commercial roe harvester is not permitted to
15 24 buy, barter, or trade roe or roe species unless in possession
15 25 of a valid roe buyer license. A commercial roe harvester
15 26 shall sell roe or roe species only to a commercial roe buyer
15 27 licensed in this state.

15 28 d. A commercial roe buyer license is required to buy,
15 29 barter, or trade roe or roe species for resale.

15 30 2. All intrastate and interstate shipments of commercial
15 31 fish, or turtles, or roe or roe species, must be accompanied
15 32 by a label receipt which shows the name and address of the
15 33 seller and the kinds, date of sale, and the species, numbers,
15 34 and pounds of the catches fish, roe species, roe, turtles, or
15 35 turtle eggs being sold. Individuals purchasing fish, turtles,
16 1 or mussels from a commercial fisher, turtle fisher, or mussel
16 2 fisher need not possess a license.

16 3 Sec. 27. Section 482.11, subsections 1 and 3, Code 2009,
16 4 are amended to read as follows:

16 5 1. ~~A person shall not~~ All persons who commercially take,
16 6 attempt to take, possess, transport, or sell turtles from the
16 7 waters of the state without or turtle eggs shall possess an
16 8 appropriate, valid commercial license. This subsection does
16 9 not apply to an individual who buys turtles or turtle eggs

~~16 10 from a commercial fisher or a commercial turtle harvester for
16 11 personal consumption.~~

~~16 12 a. A valid sport fishing license entitles a person
16 13 commercial turtle harvester license is required to operate
16 14 commercial gear and to take and, attempt to take, possess a
16 15 maximum of one hundred pounds of live turtles or fifty pounds
16 16 of dressed turtles, transport, sell, barter, or trade
16 17 commercial turtles or turtle eggs. The sale of live or
16 18 dressed turtles is not permitted with a sport fishing license.
16 19 Nonresident commercial turtle harvesters shall harvest
16 20 commercial turtles only from the boundary waters.~~

~~16 21 b. A commercial turtle helper license is required to take
16 22 and possess more than one hundred pounds of live or fifty
16 23 pounds of dressed turtles. The holder of assist a commercial
16 24 turtle license may sell live or dressed turtles harvester in
16 25 operating commercial gear, and in taking, attempting to take,
16 26 possessing, or transporting commercial turtles or turtle eggs.
16 27 A commercial turtle helper is not permitted to buy, sell,
16 28 barter, or trade commercial turtles or turtle eggs. A
16 29 commercial turtle helper license is not required for a person
16 30 under sixteen years of age to assist a commercial turtle
16 31 harvester as provided in this paragraph "b".~~

~~16 32 c. A commercial turtle buyer license is required to engage
16 33 in the business of buying, bartering, or trading commercial
16 34 turtles or turtle eggs.~~

~~16 35 e- d. A commercial fishing fisher license or a designated
17 1 operator's license entitles commercial fishers to operate any
17 2 licensed commercial fishing gear for taking, possessing, or
17 3 selling and to take, attempt to take, possess, and sell,
17 4 barter, or trade turtles or turtle eggs taken with such
17 5 commercial gear.~~

~~17 6 d. An individual possessing a valid commercial turtle
17 7 license may have the assistance of one unlicensed individual
17 8 in the commercial taking of turtles.~~

~~17 9 3. The method of taking turtles shall only be by hand,
17 10 turtle hook, turtle trap, licensed commercial fishing gear, or
17 11 other means designated by commission rules. Sport fishers may
17 12 also use hook-and-line in catching turtles.~~

~~17 13 Sec. 28. Section 482.11, subsections 3 and 4, Code 2009,
17 14 are amended by striking the subsections.~~

~~17 15 Sec. 29. Section 482.14, Code 2009, is amended to read as
17 16 follows:~~

~~17 17 482.14 REPORTS AND RECORDS REQUIRED == INSPECTIONS.~~

~~17 18 1. All commercial fishers, commercial turtle fishers
17 19 harvesters, commercial turtle buyers, commercial mussel
17 20 fishers roe harvesters, and commercial mussel roe buyers shall
17 21 submit a monthly report supplying all information requested on
17 22 forms furnished by the commission department. Reports must be
17 23 received by the commission department no later than the
17 24 fifteenth day of the following month.~~

~~17 25 2. Commercial fishers shall utilize a dated receipt with
17 26 at least two parts, with one original and one copy of each
17 27 receipt, that contains the species, number, and pounds of fish
17 28 or turtles sold, bartered, or traded. Commercial fishers
17 29 shall retain a copy of each receipt for five years following
17 30 the transaction. A purchaser of commercial fish or turtles
17 31 shall retain a copy of the receipt for as long as the
17 32 purchaser is in possession of the fish or turtles.~~

~~17 33 3. Commercial turtle harvesters shall utilize a dated
17 34 receipt with at least two parts, with one original and one
17 35 copy of each receipt, that contains the species, number, and
18 1 pounds of turtles sold, bartered, or traded. Commercial
18 2 turtle harvesters shall retain a copy of each receipt for five
18 3 years following the transaction. A purchaser of commercial
18 4 turtles shall retain a copy of the receipt for as long as the
18 5 purchaser is in possession of the turtles.~~

~~18 6 4. Commercial turtle buyers shall maintain accurate
18 7 records of all transactions. The records shall contain the
18 8 date, number, weight, and species of turtles purchased, the
18 9 name and address of the seller, and the county or pools where
18 10 the turtles were taken. The records shall be updated monthly.
18 11 Such records shall be available for examination by employees
18 12 of the department upon request. A commercial turtle buyer
18 13 shall only purchase turtles from a licensed commercial fisher
18 14 or commercial turtle harvester.~~

~~18 15 5. Commercial roe buyers shall utilize a receipt with at
18 16 least two parts, with one original and at least one copy of
18 17 each receipt, for each purchase of commercial roe species and
18 18 roe. The original of the receipt shall be kept by the
18 19 commercial roe buyer and a copy of the receipt shall be given
18 20 to the commercial roe harvester selling the commercial roe~~

18 21 species or roe. Commercial roe buyers and commercial roe
18 22 harvesters shall retain such receipts for five years following
18 23 the date of the transaction.

18 24 6. Facilities and records of commercial fish buyers,
18 25 commercial turtle buyers, commercial roe harvesters, and
18 26 commercial roe buyers shall be open at all reasonable times
18 27 for inspection by any conservation officer.

18 28 Sec. 30. Section 483A.1, subsection 1, Code 2009, is
18 29 amended by adding the following new paragraph:

18 30 NEW PARAGRAPH. u. Boundary waters sport
18 31 trotline license, annual \$ 20.50

18 32 Sec. 31. Section 483A.1, subsection 2, Code 2009, is
18 33 amended by adding the following new paragraphs:

18 34 NEW PARAGRAPH. ee. Preference point issued
18 35 under section 483A.7, subsection 3, paragraph
19 1 "b", or section 483A.8, subsection 3, paragraph "e" . \$ 50.00

19 2 NEW PARAGRAPH. w. Boundary waters sport
19 3 trotline license, annual \$ 40.50

19 4 Sec. 32. Section 483A.1A, Code 2009, is amended by adding
19 5 the following new subsections:

19 6 NEW SUBSECTION. 0A. "Boundary waters" means the waters of
19 7 the Mississippi, Missouri, and Big Sioux rivers.

19 8 NEW SUBSECTION. 6A. "Nonresident" means a person who is
19 9 not a resident as defined in subsection 7.

19 10 NEW SUBSECTION. 6B. "Principal and primary residence or
19 11 domicile" means the one and only place where a person has a
19 12 true, fixed, and permanent home, and to where, whenever the
19 13 person is briefly and temporarily absent, the person intends
19 14 to return. Relevant factors in determining a person's
19 15 principal and primary residence or domicile include but are
19 16 not limited to proof of place of employment, mailing address,
19 17 utility records, land ownership records, vehicle registration,
19 18 and address listed on the person's state and federal income
19 19 tax returns. A person shall submit documentation to establish
19 20 the person's principal and primary residence or domicile to
19 21 the department or its designee upon request. The department
19 22 or its designee shall keep confidential any document received
19 23 pursuant to such a request if the document is required to be
19 24 kept confidential by state or federal law.

19 25 Sec. 33. Section 483A.1A, subsection 7, Code 2009, is
19 26 amended to read as follows:

19 27 7. "Resident" means a natural person who meets any of the
19 28 following criteria during each year in which the person claims
19 29 status as a resident:

19 30 a. Has physically resided in this state at least thirty as
19 31 the person's principal and primary residence or domicile for a
19 32 period of not less than one hundred eighty consecutive days
19 33 immediately before applying for or purchasing a resident
19 34 license, tag, or permit under this chapter and has been issued
19 35 an Iowa driver's license or an Iowa nonoperator's
20 1 identification card. A person is not considered a resident
20 2 under this paragraph if the person is residing in the state
20 3 only for a special or temporary purpose including but not
20 4 limited to engaging in hunting, fishing, or trapping.

20 5 b. Is a full-time student at either of the following:
20 6 (1) An accredited educational institution located in
20 7 this state and resides in this state while attending the
20 8 educational institution.

20 9 (2) An accredited educational institution located outside
20 10 of this state, if the person is under the age of twenty-five
20 11 and has at least one parent or legal guardian who maintains a
20 12 principal and primary residence or domicile in this state.

20 13 c. Is a student who qualifies as a resident pursuant to
20 14 this paragraph "b" only for the purpose of purchasing any
20 15 resident license specified in section 483A.1 or 484A.2.

20 16 ~~e-~~ d. Is a nonresident under eighteen years of age whose
20 17 parent is a resident of this state.

20 18 ~~d-~~ e. Is a member of the armed forces of the United
20 19 States who is serving on active duty, claims residency in this
20 20 state, and has filed a state individual income tax return as a
20 21 resident pursuant to chapter 422, division II, for the
20 22 preceding tax year, or is stationed in this state.

20 23 ~~e-~~ Is registered to vote in this state.

20 24 Sec. 34. Section 483A.2, Code 2009, is amended to read as
20 25 follows:

20 26 483A.2 DUAL RESIDENCY.
20 27 A resident license shall be limited to persons who do not
20 28 claim any resident privileges, except as defined in section
20 29 483A.1A, subsection 7, paragraphs "b", "c", and "d", and "e",
20 30 in another state or country. A person shall not purchase or
20 31 apply for any resident license or permit if that person has

20 32 claimed residency in any other state or country.
20 33 Sec. 35. Section 483A.7, subsection 3, Code 2009, is
20 34 amended to read as follows:

20 35 3. a. A nonresident wild turkey hunter is required to
21 1 have a nonresident hunting license and a nonresident wild
21 2 turkey hunting license and pay the wildlife habitat fee. The
21 3 commission shall annually limit to two thousand three hundred
21 4 licenses the number of nonresidents allowed to have wild
21 5 turkey hunting licenses. Of the two thousand three hundred
21 6 licenses, one hundred fifty licenses shall be valid for
21 7 hunting with muzzle loading shotguns only. The commission
21 8 shall allocate the nonresident wild turkey hunting licenses
21 9 issued among the zones based on the populations of wild
21 10 turkey. A nonresident applying for a wild turkey hunting
21 11 license must exhibit proof of having successfully completed a
21 12 hunter safety and ethics education program as provided in
21 13 section 483A.27 or its equivalent as determined by the
21 14 department before the license is issued.

21 15 b. The commission shall assign one preference point to a
21 16 nonresident whose application for a nonresident wild turkey
21 17 hunting license is denied due to limitations on the number of
21 18 nonresident wild turkey hunting licenses available for
21 19 issuance that year. An additional preference point shall be
21 20 assigned to that person each subsequent year the person's
21 21 license application is denied for that reason. A nonresident
21 22 may purchase additional preference points pursuant to section
21 23 483A.1, subsection 2, paragraph "ee". The first nonresident
21 24 wild turkey hunting license drawing each year shall be made
21 25 from the pool of applicants with the most preference points
21 26 and continue to pools of applicants with successively fewer
21 27 preference points until all available nonresident wild turkey
21 28 hunting licenses have been issued. If a nonresident applicant
21 29 receives a wild turkey hunting license, all of the applicant's
21 30 assigned preference points at that time shall be removed.

21 31 Sec. 36. Section 483A.8, subsections 3, 4, and 5, Code
21 32 2009, are amended to read as follows:

21 33 3. a. A nonresident hunting deer is required to have a
21 34 nonresident hunting license and a nonresident deer hunting
21 35 license and must pay the wildlife habitat fee. In addition, a
22 1 nonresident who purchases a deer hunting license shall pay a
22 2 one dollar fee that shall be used and is appropriated for the
22 3 purpose of deer herd population management, including
22 4 assisting with the cost of processing deer donated to the help
22 5 us stop hunger program administered by the commission.

22 6 b. A nonresident who purchases an antlered or any sex deer
22 7 hunting license pursuant to section 483A.1, subsection 2,
22 8 paragraph "e", is required to purchase an antlerless deer only
22 9 deer hunting license at the same time, pursuant to section
22 10 483A.1, subsection 2, paragraph "f".

22 11 c. The commission shall annually limit to six thousand the
22 12 number of nonresidents allowed to have antlered or any sex
22 13 deer hunting licenses. Of the six thousand nonresident
22 14 antlered or any sex deer hunting licenses issued, not more
22 15 than thirty-five percent of the licenses shall be bow season
22 16 licenses. After the six thousand antlered or any sex
22 17 nonresident deer hunting licenses have been issued, all
22 18 additional licenses shall be issued for antlerless deer only.
22 19 The commission shall annually determine the number of
22 20 nonresident antlerless deer only deer hunting licenses that
22 21 will be available for issuance.

22 22 d. The commission shall allocate all nonresident deer
22 23 hunting licenses issued among the zones ~~based on the~~
22 24 ~~populations of deer using a county-by-county system.~~ However,
22 25 a nonresident applicant may request one or more hunting zones,
22 26 in order of preference, in which the applicant wishes to hunt.
22 27 If the request cannot be fulfilled, the applicable fees shall
22 28 be returned to the applicant. A nonresident applying for a
22 29 deer hunting license must exhibit proof of having successfully
22 30 completed a hunter safety and ethics education program as
22 31 provided in section 483A.27 or its equivalent as determined by
22 32 the department before the license is issued.

22 33 e. The commission shall assign one preference point to a
22 34 nonresident whose application for a nonresident antlered or
22 35 any sex deer hunting license is denied due to limitations on
23 1 the number of nonresident antlered or any sex deer hunting
23 2 licenses available for issuance that year. An additional
23 3 preference point shall be assigned to that person each
23 4 subsequent year the person's license application is denied for
23 5 that reason. A nonresident may purchase additional preference
23 6 points pursuant to section 483A.1, subsection 2, paragraph
23 7 "f". The first nonresident antlered or any sex deer hunting

23 8 license drawing each year shall be made from the pool of
23 9 applicants with the most preference points and continue to
23 10 pools of applicants with successively fewer preference points
23 11 until all available nonresident antlered or any sex deer
23 12 hunting licenses have been issued. If a nonresident applicant
23 13 receives an antlered or any sex deer hunting license, all of
23 14 the applicant's assigned preference points at that time shall
23 15 be removed.

23 16 4. The commission may provide, by rule, for the issuance
23 17 of an additional antlerless deer hunting license to a person
23 18 who has been issued an antlerless deer hunting license. The
23 19 rules shall specify the number of additional antlerless deer
23 20 hunting licenses which may be issued, and the season and zone
23 21 in which the license is valid. The fee for an additional
23 22 antlerless deer hunting license shall be ten dollars for
23 23 residents.

23 24 5. A nonresident owning land in this state may apply for a
23 25 nonresident antlered or any sex deer hunting license, and the
23 26 provisions of subsection 3 shall apply. However, if a
23 27 nonresident owning land in this state is unsuccessful in
23 28 obtaining one of the nonresident antlered or any sex deer
23 29 hunting licenses, the landowner shall be given preference for
23 30 one of the antlerless deer only nonresident deer hunting
23 31 licenses available pursuant to subsection 3. A nonresident
23 32 owning land in this state shall pay the fee for a nonresident
23 33 antlerless only deer hunting license and the license shall be
23 34 valid to hunt on the nonresident's land only. If one or more
23 35 parcels of land have multiple nonresident owners, only one of
24 1 the nonresident owners is eligible for a nonresident
24 2 antlerless only deer hunting license. If a nonresident
24 3 jointly owns land in this state with a resident, the
24 4 nonresident shall not be given preference for a nonresident
24 5 antlerless only deer hunting license. The department may
24 6 require proof of land ownership from a nonresident landowner
24 7 applying for a nonresident antlerless only deer hunting
24 8 license.

24 9 Sec. 37. Section 483A.8A, Code 2009, is amended to read as
24 10 follows:

24 11 483A.8A DEER AND WILD TURKEY HARVEST REPORTING SYSTEM.

24 12 1. The commission shall provide, by rule, for the
24 13 establishment of a deer and wild turkey harvest reporting
24 14 system for the purpose of collecting information from ~~deer~~
24 15 hunters concerning the deer and wild turkey population in this
24 16 state. Each person who is issued a deer or wild turkey
24 17 hunting license in this state shall report such information
24 18 pursuant to this section. Information collected by the
24 19 commission pursuant to the deer and wild turkey harvest
24 20 reporting system from a ~~deer~~ hunter who takes a deer or wild
24 21 turkey shall be limited to the following:

- 24 22 a. The county where the deer or wild turkey was taken.
- 24 23 b. The season during which the deer or wild turkey was
24 24 taken.
- 24 25 c. The sex of the deer or wild turkey taken.
- 24 26 d. The age of the deer or wild turkey taken.
- 24 27 e. The type of weapon used.
- 24 28 f. The hunting license number of the hunter.
- 24 29 g. The number of days the hunter hunted.
- 24 30 h. The total number of deer or wild turkey taken by the
24 31 hunter.

24 32 2. The deer and wild turkey harvest reporting system
24 33 established by the commission shall utilize and is limited to
24 34 utilizing one or more of the following methods of reporting
24 35 deer or wild turkey taken by hunters:

- 25 1 a. A toll-free telephone number.
- 25 2 b. A postcard.
- 25 3 c. Reporting at an electronic licensing location.
- 25 4 d. Electronic internet communication.

25 5 Sec. 38. Section 483A.10, Code 2009, is amended to read as
25 6 follows:

25 7 483A.10 ISSUANCE OF LICENSES.

25 8 1. The licenses and combination packages of licenses
25 9 issued pursuant to this chapter shall be issued by the
25 10 department or the license agents as specified by rules of the
25 11 commission. A county recorder may issue licenses or
25 12 combination packages of licenses subject to the rules of the
25 13 commission.

25 14 2. The rules shall include the application procedures as
25 15 necessary. The licenses and combination packages of licenses
25 16 shall show the total cost of the license or combination
25 17 package of licenses, including a writing fee to be retained by
25 18 the license agent and any administrative fees to be forwarded

25 19 to the department, if applicable. A person authorized to
25 20 issue a license or combination package of licenses or collect
25 21 a fee pursuant to this chapter or chapter 484A shall charge
25 22 the fee specified in this chapter or chapter 484A only plus a
25 23 writing fee and administrative fee, if applicable.

25 24 Sec. 39. Section 483A.12, Code 2009, is amended to read as
25 25 follows:

25 26 483A.12 FEES.

25 27 1. The license agent shall be responsible for all fees for
25 28 the issuance of hunting, fishing, ~~and~~ fur harvester licenses,
25 29 and combination packages of licenses sold by the license
25 30 agent. All unused license blanks shall be surrendered to the
25 31 department upon the department's demand.

25 32 2. A license agent shall retain a writing fee of fifty
25 33 cents from the sale of each license or combination package of
25 34 licenses except that the writing fee for a free deer or wild
25 35 turkey license as authorized under section 483A.24, subsection
26 1 2, shall be one dollar. If a county recorder is a license
26 2 agent, the writing fees retained by the county recorder shall
26 3 be deposited in the general fund of the county.

26 4 Sec. 40. NEW SECTION. 483A.28 NONCOMMERCIAL HARVEST OF
26 5 AQUATIC SPECIES.

26 6 1. A boundary waters sport trotline license entitles the
26 7 licensee to use a maximum of four trotlines with two hundred
26 8 hooks in the aggregate and only on boundary waters. All
26 9 boundary waters sport trotlines shall be tagged with the name
26 10 and address of the licensee on a weather-resistant tag
26 11 provided by the licensee and affixed above the waterline. A
26 12 boundary waters sport trotline licensee is not permitted to
26 13 sell, barter, or trade fish or turtles taken pursuant to the
26 14 license.

26 15 2. A valid fishing license issued pursuant to this chapter
26 16 entitles the licensee to take and possess a maximum of one
26 17 hundred pounds of live turtles or fifty pounds of dressed
26 18 turtles. Any unattended fishing gear used to take turtles
26 19 pursuant to a fishing license shall be tagged with the name
26 20 and address of the licensee on a weather-resistant tag
26 21 provided by the licensee and affixed above the waterline. A
26 22 fishing licensee is not permitted to sell, barter, or trade
26 23 live or dressed turtles taken pursuant to the license.

26 24 3. A valid fishing license issued pursuant to this chapter
26 25 entitles the licensee to take and possess a maximum amount of
26 26 mussels or shells daily as authorized by rule under the
26 27 authority of sections 456A.24, 481A.38, and 481A.39. A
26 28 fishing licensee shall not sell, barter, or trade freshwater
26 29 mussels or shells taken pursuant to the fishing license.

26 30 Sec. 41. Section 805.8B, subsection 3, paragraphs c, d,
26 31 and n, Code 2009, are amended to read as follows:

26 32 c. For violations of sections 481A.6, 481A.21, 481A.22,
26 33 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,
26 34 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections
26 35 ~~482.7, 483A.7, 483A.8, 483A.8A, 483A.23, and 483A.24, and~~
27 1 ~~483A.28,~~ the scheduled fine is twenty-five dollars.

27 2 d. For violations of sections 481A.7, 481A.24, 481A.47,
27 3 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90, 481A.91,
27 4 481A.97, 481A.122, 481A.126, 481A.142, 481A.145, subsection 2,
27 5 ~~482.5, 482.7,~~ sections 482.8, ~~482.10,~~ and 483A.37, the
27 6 scheduled fine is fifty dollars.

27 7 n. For violations of section 482.11 ~~relating to turtles,~~
27 8 ~~the scheduled fine is one hundred dollars.~~

27 9 ~~(1) For commercial turtle violations, the scheduled fine~~
27 10 ~~is one hundred dollars.~~

27 11 ~~(2) For sport turtle violations, the scheduled fine is~~
27 12 ~~fifty dollars.~~

27 13 Sec. 42. Section 805.8B, subsection 3, paragraph o, Code
27 14 2009, is amended by striking the paragraph.

27 15 Sec. 43. Section 805.8B, subsection 3, paragraph p,
27 16 subparagraph (5), Code 2009, is amended to read as follows:

27 17 (5) For a license or permit costing more than fifty
27 18 dollars but less than one hundred dollars, the scheduled fine
27 19 is one hundred dollars.

27 20 (6) For a license or permit costing one hundred dollars or
27 21 more, the scheduled fine is two times the cost of the original
27 22 license or permit.

27 23 Sec. 44. Sections 482.12 and 483A.25, Code 2009, are
27 24 repealed.

EXPLANATION

27 26 This bill relates to various conservation and recreation
27 27 activities under the purview of the department of natural
27 28 resources, modifies fees, and makes penalties applicable.
27 29 SNOWMOBILES. Code section 321G.2(1) is amended to allow

27 30 the natural resource commission to adopt rules for the
27 31 establishment of a program of grants, subgrants, and contracts
27 32 for the development, maintenance, and operation of designated
27 33 snowmobile trails and grooming equipment by political
27 34 subdivisions and incorporated private organizations; of a
27 35 certified education course for the operation of snowmobile
28 1 grooming equipment; of a certified education course for the
28 2 safe use and operation of snowmobiles; and for certification
28 3 of volunteer snowmobile education instructors.

28 4 Code section 321G.11 is amended to require that exhaust on
28 5 internal combustion engines of snowmobiles must be muffled in
28 6 accordance with rules adopted by the natural resource
28 7 commission.

28 8 Code section 321G.21(9) is amended to allow the commission
28 9 to adopt rules providing for the suspension or revocation of a
28 10 snowmobile dealer's special registration certificate issued
28 11 pursuant to this section.

28 12 Code section 321G.24(3) is amended to coordinate an
28 13 internal reference with the changes in Code section 321G.2(1),
28 14 to allow a person who completes a course of safety instruction
28 15 to receive a safety certificate, and to delete a provision
28 16 that allowed the commission to waive completion of the safety
28 17 course if a person passed a written test instead.

28 18 ALL-TERRAIN VEHICLES. Code section 321I.1(1)(c) is amended
28 19 by removing a provision requiring off-road utility vehicles to
28 20 be considered all-terrain vehicles for the purposes of
28 21 registration.

28 22 Code section 321I.1(16) is amended to provide that an
28 23 off-road utility vehicle means a vehicle with not less than
28 24 four and not more than eight tires, a bucket or bench seat,
28 25 and a steering wheel or control levers. The amendment also
28 26 allows an owner of an off-road utility vehicle to register and
28 27 title an off-road utility vehicle in order to legally operate
28 28 the vehicle on public ice, or on a designated riding area or
28 29 riding trail but be exempt from certain dealer registration
28 30 and titling requirements and safety instruction and
28 31 certification program requirements. An operator of a
28 32 registered or titled off-road utility vehicle shall not
28 33 operate the vehicle on public ice or designated riding areas
28 34 or trails unless the department has posted signage allowing
28 35 such operation.

29 1 Code section 321I.2(1) is amended to allow the commission
29 2 to adopt rules for the establishment of a program of grants,
29 3 subgrants, and contracts for the development, maintenance, and
29 4 operation of all-terrain vehicle riding areas and trails by
29 5 political subdivisions and incorporated private organizations;
29 6 of a certified education course for the safe use and operation
29 7 of all-terrain vehicles; and for certification of volunteer
29 8 all-terrain vehicle education instructors.

29 9 Code section 321I.10(2) is amended to require the
29 10 department of natural resources, at the request of a county
29 11 board of supervisors, to place and maintain signs at the
29 12 department's expense, warning of the operation of all-terrain
29 13 vehicles on that portion of county highways designated for
29 14 such use by the county board of supervisors.

29 15 Code section 321I.22(9) is amended to allow the adoption of
29 16 rules by the commission providing for the suspension or
29 17 revocation of an all-terrain vehicle dealer's special
29 18 registration certificate.

29 19 Code section 321I.26(3) is amended to coordinate an
29 20 internal reference with the changes made in Code section
29 21 321I.2(1), to allow a person to obtain a safety certificate by
29 22 passing an examination including either a written test or the
29 23 demonstration of adequate riding skills, and to delete a
29 24 provision that allowed the commission to waive completion of
29 25 the course of instruction upon passage of a written test
29 26 instead.

29 27 WILDLIFE CONSERVATION. Code section 481A.122 is amended to
29 28 exempt a person who is hunting with a raptor from certain
29 29 requirements to wear blaze orange apparel.

29 30 Code section 481A.130 is amended to add a civil penalty of
29 31 \$200 for the unlawful taking of a bobcat and to add a schedule
29 32 of civil penalties for the unlawful taking of fish, dependent
29 33 on the species of fish taken. The Code section is also made
29 34 inapplicable to a person who is liable to pay restitution
29 35 pursuant to Code section 481A.151 for injury to a wild animal
30 1 caused by polluting a water of this state.

30 2 COMMERCIAL FISHING. Code section 482.1 is amended to
30 3 provide that a licensee under the Code chapter shall not
30 4 continue commercial fishing while a license issued by the
30 5 commission is under revocation or suspension, to allow

30 6 regulation of commercial mussel bait fishing, and to allow
30 7 employees of the department of natural resources to examine
30 8 gear, catches, and sale and purchase records of commercial
30 9 licensees.

30 10 Code section 482.2 is amended to add definitions of new
30 11 licenses for commercial fish buyers, commercial fish helpers,
30 12 commercial roe buyers, commercial roe harvesters, commercial
30 13 turtle buyers, commercial turtle helpers, and to define roe
30 14 and roe species. References to commercial mussel fishing are
30 15 deleted. References to water sport trotline licenses are
30 16 deleted and moved to Code chapter 483A. Code section
30 17 452A.17(1)(a)(7) is amended to be consistent with the
30 18 definition of "commercial gear" in Code section 482.2.

30 19 Code section 482.4, concerning commercial licenses and gear
30 20 tags, is amended to describe and set fees for the new licenses
30 21 available. Annual license fees for some existing licenses are
30 22 increased, and fees are added for the new licenses available.

30 23 Code section 482.5, concerning commercial gear, is amended
30 24 to include the harvest of commercial turtles with such gear.

30 25 Code section 482.7, concerning gear attendance, is amended
30 26 to apply to commercial turtle harvesting and to require the
30 27 presence of a commercial fisher or commercial turtle fisher
30 28 when commercial gear is operated, including direct supervision
30 29 of a commercial fish helper or commercial turtle helper who
30 30 operates commercial gear. "Direct supervision" is defined to
30 31 require being in the same boat, within hand=signal distance,
30 32 or within vocal communication distance, without electronic or
30 33 amplification devices of the person being supervised. The
30 34 constant attendance requirement may be modified by the
30 35 commission upon a request specifying why an extension of gear
31 1 attendance intervals is needed.

31 2 Code section 805.8B(3)(d) is amended to provide that a
31 3 violation of Code sections 482.5 and 482.7 are punishable by a
31 4 scheduled fine of \$50.

31 5 Code sections 482.8, concerning bait, and 482.9, concerning
31 6 unlawful methods, are amended to coordinate with the new
31 7 license designations.

31 8 Code section 482.10, concerning commercial fish, is amended
31 9 to describe the privileges associated with commercial fisher
31 10 and fish helper licenses, and commercial roe harvester and roe
31 11 buyer licenses. The license requirements do not apply to
31 12 individuals who buy commercial fish or fish parts or roe or
31 13 roe species for personal consumption or to restaurants, liquor
31 14 control licensees, or public benefit corporations that buy
31 15 commercial fish or fish parts, or roe or roe species for
31 16 retail sale and human consumption on their premises. In
31 17 addition, a person under 16 years of age is not required to
31 18 have a commercial fish helper license to assist a commercial
31 19 fisher. Code section 805.8B(3)(d) is amended to provide that
31 20 a violation of this Code section is punishable by a scheduled
31 21 fine of \$50.

31 22 Code section 482.11, concerning turtles, is amended to
31 23 describe the privileges associated with the taking of turtles,
31 24 particularly by commercial turtle fisher and turtle helper
31 25 licensees. The commercial turtle license requirements do not
31 26 apply to individuals who buy commercial turtles, turtle eggs,
31 27 or turtle parts from a commercial fisher or commercial turtle
31 28 fisher for personal consumption; or to restaurants, liquor
31 29 control licensees, or public benefit corporations that buy
31 30 commercial turtles, turtle eggs, or turtle parts for retail
31 31 and human consumption on their premises. In addition, a
31 32 commercial turtle helper license is not required for a person
31 33 under 16 years of age to assist a commercial turtle fisher.

31 34 Code section 482.14 is amended to describe report,
31 35 recordkeeping, and inspection requirements pertaining to
32 1 commercial fishers, commercial turtle fishers, commercial fish
32 2 buyers, commercial turtle buyers, commercial roe harvesters,
32 3 and commercial roe buyers.

32 4 FISHING AND HUNTING LICENSES. Code section 483A.1 is
32 5 amended to add licenses for resident boundary waters sport
32 6 trotline fishing and nonresident boundary waters sport
32 7 trotline fishing and for the sale of preference points to
32 8 nonresident wild turkey and deer hunters.

32 9 Code section 483A.1A is amended to add definitions for
32 10 "boundary waters", "nonresident", and "principal and primary
32 11 residence or domicile".

32 12 Code section 483A.1A is also amended to change the
32 13 definition of "resident" to require a person to meet any of
32 14 the specified criteria during each year in which the person
32 15 claims status as a resident. The specified criteria now
32 16 include a requirement that a person to physically reside in

32 17 the state as the person's principal and primary residence or
32 18 domicile for a period of not less than 180 consecutive days
32 19 immediately before applying for a resident hunting or fishing
32 20 privilege. A full-time student at an out-of-state school who
32 21 is under age 25 may also qualify as a resident if the student
32 22 has at least one parent or legal guardian who maintains a
32 23 principal and primary residence in the state. Code section
32 24 483A.2 is amended to coordinate with these changes.

32 25 Code section 483A.7(3) is amended to require the natural
32 26 resource commission to assign a preference point each year to
32 27 a nonresident whose application for a wild turkey hunting
32 28 license is denied due to limitations on the number of licenses
32 29 available and to authorize the commission to sell additional
32 30 preference points for \$50 each.

32 31 Code section 483A.8 is amended to require the commission to
32 32 allocate all nonresident deer hunting licenses issued among
32 33 the zones using a county-by-county system. The commission is
32 34 also required to assign a preference point each year to a
32 35 nonresident whose application for an antlered or any sex deer
33 1 hunting license is denied due to limitations on the number of
33 2 licenses available and to authorize the commission to sell
33 3 additional preference points for \$50 each.

33 4 Code section 483A.8A is amended to expand the deer harvest
33 5 reporting system to include reporting on wild turkeys
33 6 harvested. Code section 805.8B(3)(c) is amended to make a
33 7 violation of this section punishable by a scheduled fine of
33 8 \$25.

33 9 Code section 483A.10 is amended to allow the sale and
33 10 issuance of combination packages of licenses pursuant to Code
33 11 chapter 483A. Code section 483A.12 is amended to allow for
33 12 the collection of fees by license agents in connection with
33 13 such sales.

33 14 New Code section 483A.28 describes the noncommercial
33 15 harvest of aquatic species. The new boundary waters sport
33 16 trotline license allows the use of trotlines only on boundary
33 17 waters. A valid fishing license entitles the licensee to take
33 18 specified amounts of live and dressed turtles and mussels, as
33 19 set by rule, but not to sell, barter, or trade them. Code
33 20 section 805.8B(3) is amended to provide that a violation of
33 21 this new provision, other than a license violation, is
33 22 punishable by a scheduled fine of \$25.

33 23 Code section 805.8B(3)(n) is amended to strike a provision
33 24 imposing a penalty for sport turtle violations to coordinate
33 25 with changes made to Code section 482.11(3) and (4).

33 26 Code section 805.8B(3)(p)(5) is amended to provide that for
33 27 violations of Code section 483A.1 relating to licenses and
33 28 permits, the scheduled fine is \$100 for a license or permit
33 29 costing more than \$50 but less than \$100, and the fine is two
33 30 times the cost of the license or permit for licenses or
33 31 permits that cost \$100 or more.

33 32 Code section 482.12, concerning commercial harvest of
33 33 freshwater mussels, and Code section 483A.25, concerning the
33 34 pheasant and quail restoration program and related
33 35 appropriations, are repealed.

34 1 LSB 2094SV 83

34 2 av/sc/8.1