

Senate Study Bill 3052 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to various recreation and conservation
2 activities under the purview of the department of natural
3 resources, providing for repeals, and making penalties
4 applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 461A.35, Code 2011, is amended to read
2 as follows:

3 **461A.35 Prohibited destructive acts.**

4 1. It shall be unlawful for any person to use, enjoy
5 the privileges of, destroy, injure, or deface plant life,
6 trees, buildings, or other natural or material property, or
7 to construct or operate for private or commercial purposes
8 any structure, or to remove any plant life, trees, buildings,
9 sand, gravel, ice, earth, stone, wood, or other natural
10 material, or to operate vehicles, within the boundaries of
11 any state park, preserve, or stream or any other lands or
12 waters under the jurisdiction of the commission for any purpose
13 whatsoever, except upon the terms, conditions, limitations, and
14 restrictions as set forth by the commission.

15 2. A person who violates this section commits a simple
16 misdemeanor, punishable as a scheduled violation pursuant to
17 section 805.8B, subsection 6, paragraph "c".

18 Sec. 2. Section 461A.42, subsection 2, Code 2011, is amended
19 to read as follows:

20 2. The use of fireworks, as defined in section 727.2, in
21 state parks and preserves is prohibited except as authorized
22 by a permit issued by the department. The commission shall
23 establish, by rule adopted pursuant to chapter 17A, a fireworks
24 permit system which authorizes the issuance of a limited number
25 of permits to qualified persons to use or display fireworks in
26 selected state parks and preserves.

27 3. A person violating this subsection section is guilty of a
28 simple misdemeanor punishable as a scheduled violation pursuant
29 to section 805.8B, subsection 6, paragraph "c". In addition
30 to any other penalties, the punishment imposed for a violation
31 of this subsection shall include assessment of a fine of not
32 less than two hundred fifty dollars. The court shall order
33 restitution if any damages were caused by the violation which
34 may include, but is not limited to, community service.

35 Sec. 3. Section 461A.57, Code 2011, is amended to read as

1 follows:

2 **461A.57 Penalties.**

3 Any person violating any of the provisions of sections
4 ~~461A.35~~ 461A.36 to 461A.41, 461A.43, and 461A.45 to 461A.56 is
5 guilty of a simple misdemeanor.

6 Sec. 4. Section 481A.1, subsection 7, Code 2011, is amended
7 to read as follows:

8 7. "*Bait*" includes~~7~~, but is not limited to~~7~~, minnows, green
9 sunfish, orange-spotted sunfish, gizzard shad, frogs, crayfish,
10 and salamanders~~7~~, ~~and mussels~~.

11 Sec. 5. Section 481A.6A, subsection 1, Code 2011, is amended
12 to read as follows:

13 1. As used in this section, "*pen-reared pheasant*" means a
14 Chinese ring-necked pheasant (*Phasianus colchicus torquatus*)
15 which originates from a captive population and which has
16 been propagated and held by a hatchery. For the purposes of
17 this section "*pen-reared pheasant*" does not include a Reeves
18 (*Syrmaticus reevesii*) or Lady Amherst (*Chrysolophus amherstiae*)
19 pheasant, a subspecies of the Chinese ring-necked pheasant
20 such as a Japanese (*Phasianus vesicolor*) or a Black-necked (*P.*
21 *colchicus colchicus*) pheasant, or a melanistic mutant (black,
22 white, or other color mix) of the Chinese ring-necked pheasant.

23 Sec. 6. NEW SECTION. 481A.17 Target shooting sports
24 program.

25 The department shall establish a target shooting sports
26 program to promote recreational target shooting sports. The
27 purposes of the program shall be to introduce more Iowans
28 to target shooting sports, promote existing target shooting
29 programs, provide more target shooting facilities, and improve
30 existing target shooting facilities. The commission may adopt
31 rules to achieve these purposes.

32 Sec. 7. Section 481A.142, subsection 5, paragraph a, Code
33 2011, is amended to read as follows:

34 a. Sell bait, including minnows~~7~~ and frogs, ~~and clams~~~~7~~,
35 propagated or raised within the licensed unit without having

1 to obtain a bait dealer's license. However, aquaculture units
2 wishing to take bait from areas other than their licensed units
3 must also obtain a bait dealer's license.

4 Sec. 8. Section 481A.144, subsection 1, Code 2011, is
5 amended to read as follows:

6 1. A person shall not sell minnows, frogs, crayfish, or
7 ~~salamanders, and mussels~~ for fish bait without first obtaining
8 a bait dealer's license from the department upon payment
9 of the license fee. A licensee shall comply with all laws
10 pertaining to taking, possessing, and selling of bait handled
11 by the licensee. If convicted of violating a provision of this
12 chapter or a rule adopted pursuant to this chapter, a licensee
13 shall forfeit the licensee's bait dealer license upon demand of
14 the director.

15 Sec. 9. Section 482.2, subsections 3, 7, 10, and 11, Code
16 2011, are amended to read as follows:

17 3. "*Commercial fisher*" means a person who is licensed by
18 the state to take, attempt to take, possess, transport, sell,
19 barter, or trade ~~turtles or turtle eggs~~, commercial fish except
20 roe species, or fish parts except roe. A commercial fisher may
21 take, possess, transport, or sell turtles or turtle eggs.

22 7. "*Commercial roe harvester*" means a person who is licensed
23 by the state to engage in the harvest and sale, but not barter,
24 or trade, of roe and roe species.

25 10. "*Commercial turtle harvester*" means a person who is
26 licensed by the state to take, attempt to take, possess,
27 transport, and sell, but not barter, or trade, commercial
28 turtles or turtle eggs.

29 11. "*Commercial turtle harvesting*" means taking, attempting
30 to take, possessing, or transporting of commercial turtles or
31 turtle eggs for the purpose of selling, ~~bartering, trading,~~
32 offering, or exposing for sale, but not bartering or trading.

33 Sec. 10. Section 482.4, subsection 3, Code 2011, is amended
34 to read as follows:

35 3. Commercial fishers and commercial turtle harvesters

1 shall ~~purchase gear tags from the commission to be affixed~~
2 provide and affix weather-resistant gear tags to each piece
3 of gear in use. ~~Notwithstanding the fee rates for gear tags~~
4 ~~under subsection 6, the minimum fee is five dollars. All~~
5 ~~tags are valid for ten years from the date of issue. In~~
6 ~~addition to the gear tags, all gear shall be tagged with a~~ Each
7 weather-resistant gear tag showing shall plainly show the name
8 and, address, and commercial license number of the licensee and
9 whether the gear is fish or turtle gear.

10 Sec. 11. Section 482.4, subsection 4, Code 2011, is amended
11 by striking the subsection.

12 Sec. 12. Section 482.4, subsection 6, Code 2011, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:

15 6. Commercial fish and turtle gear tags are required on the
16 following units of commercial gear:

- 17 a. Seine.
- 18 b. Trammel net.
- 19 c. Gill net.
- 20 d. Entrapment nets.
- 21 e. Commercial trotline.
- 22 f. Commercial turtle trap.

23 Sec. 13. Section 482.4, subsection 7, Code 2011, is amended
24 by striking the subsection.

25 Sec. 14. Section 482.11, subsection 1, paragraph a, Code
26 2011, is amended to read as follows:

27 a. A commercial turtle harvester license is required to
28 operate commercial gear and to take, attempt to take, possess,
29 transport, or sell, ~~barter, or trade~~ commercial turtles or
30 turtle eggs. Nonresident commercial turtle harvesters shall
31 harvest commercial turtles only from the boundary waters.

32 Sec. 15. Section 482.14, subsection 3, Code 2011, is amended
33 to read as follows:

34 3. Commercial turtle harvesters shall utilize a dated
35 receipt with at least two parts, with one original and one

1 copy of each receipt, that contains the species, number, and
2 pounds of turtles sold, ~~bartered, or traded~~. Commercial turtle
3 harvesters shall retain a copy of each receipt for five years
4 following the transaction. A purchaser of commercial turtles
5 shall retain a copy of the receipt for as long as the purchaser
6 is in possession of the turtles.

7 Sec. 16. Section 483A.1, subsection 2, paragraph s, Code
8 2011, is amended by striking the paragraph.

9 Sec. 17. Section 805.8B, subsection 6, paragraph c, Code
10 2011, is amended to read as follows:

11 c. For violations of ~~section~~ sections 461A.35, 461A.42, and
12 461A.44, the scheduled fine is fifty dollars.

13 Sec. 18. REPEAL. Chapter 568, Code and Code Supplement
14 2011, is repealed.

15 EXPLANATION

16 This bill relates to various recreation and conservation
17 activities under the purview of the department of natural
18 resources, provides for repeals, and makes penalties
19 applicable.

20 Code section 461A.35 is amended to provide that a person who
21 commits certain destructive acts on state parks, preserves,
22 or other lands or waters under the control of the natural
23 resource commission commits a simple misdemeanor, punishable
24 as a scheduled violation with a fine of \$50 pursuant to Code
25 section 805.8B(6)(c). Currently, such an offense is punishable
26 as a simple misdemeanor.

27 Code section 461A.42(2) is amended to provide that a
28 person who violates prohibitions against the use of firearms,
29 explosives, weapons, and fireworks in state parks and
30 preserves commits a simple misdemeanor, punishable as a
31 scheduled violation with a fine of \$50 pursuant to Code
32 section 805.8B(6)(c). Currently, a violation of the weapon and
33 firearms prohibitions is punishable as a simple misdemeanor.
34 A violation of the fireworks prohibition is punishable
35 as a simple misdemeanor with a minimum fine of \$250 and a

1 requirement of restitution if any damages were caused by the
2 violation, which may include but is not limited to community
3 service.

4 Code section 461A.57 is amended to coordinate with the
5 changes to 461A.35 and 461A.42.

6 Code section 481A.1(7) is amended to remove mussels from the
7 definition of bait.

8 Code section 481A.6A(1) is amended to specify that a
9 "*pen-reared pheasant*" that can be obtained by owners or tenants
10 of land from a hatchery and raised or released on that person's
11 land includes only a Chinese ring-necked pheasant and does not
12 include other specified types of pheasants.

13 New Code section 481A.17 authorizes the department to
14 establish a target shooting sports program to promote
15 recreational target shooting sports and to adopt rules to
16 achieve the specified purposes of the program.

17 Code section 481A.142 is amended to provide that a holder of
18 an aquaculture unit license cannot sell clams as bait.

19 Code section 481A.144 is amended to provide that a licensed
20 bait dealer cannot sell mussels for fish bait.

21 Code section 482.2 is amended to provide that a licensed
22 commercial fisher is not allowed to barter or trade turtles
23 or turtle eggs, a licensed commercial roe harvester is not
24 allowed to barter or trade roe and roe species, and a licensed
25 commercial turtle harvester is not allowed to barter or trade
26 commercial turtles or turtle eggs.

27 Code section 482.4(3) is amended to require commercial
28 fishers and commercial turtle harvesters to provide and
29 affix weather-resistant gear tags to each piece of gear in
30 use instead of purchasing the tags from the natural resource
31 commission. Each gear tag must plainly show the name, address,
32 and commercial license number of the licensee and whether the
33 gear is fish or turtle gear.

34 Code section 482.4(4) providing that all numbered fish gear
35 tags are interchangeable among the different types of gear is

1 stricken.

2 Code section 482.4(6) and (7) are amended to delete fees for
3 gear tags required on the specified units of commercial gear.

4 Code section 482.11(1)(a) is amended by deleting language
5 indicating that a commercial turtle harvester licensee
6 can barter or trade commercial turtles or turtle eggs. A
7 coordinating amendment is made in Code section 482.14(3).

8 Code section 483A.1(2)(s) providing for the sale of a
9 falconry license to nonresidents is stricken.

10 Code chapter 568, which authorizes the sale of certain
11 islands and abandoned river channels, is repealed.