

House File 2131 - Introduced

HOUSE FILE 2131

BY KLEIN

A BILL FOR

1 An Act requiring that certain civil penalties assessed for
2 violations of statutes enforced by the department of natural
3 resources be deposited in the general fund of the state.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 462A.43, Code 2016, is amended to read
2 as follows:

3 **462A.43 Transfer of ownership.**

4 Upon the transfer of ownership of any vessel, the owner,
5 except as otherwise provided by **this chapter**, shall complete
6 the form on the back of the registration certificate and
7 shall deliver it to the purchaser or transferee at the
8 time of delivering the vessel. If a vessel has an expired
9 registration at the time of transfer, the transferee shall
10 pay all applicable fees for the current registration period,
11 the appropriate writing fee, and a penalty of five dollars,
12 and a transfer of number shall be awarded in the same manner
13 as provided for in an original registration. All penalties
14 collected pursuant to **this section** shall be forwarded by the
15 commission to the treasurer of state, who shall place the money
16 in the general fund of the state fish and game protection fund.
17 ~~The money so collected is appropriated to the commission solely~~
18 ~~for the administration and enforcement of navigation laws and~~
19 ~~water safety.~~

20 Sec. 2. Section 481A.125A, subsection 4, Code 2016, is
21 amended to read as follows:

22 4. In addition, any person who violates **this section**
23 is subject to a civil penalty, which may be levied by
24 the department, of not more than ten thousand dollars for
25 each violation of **this section**. The moneys collected from
26 imposition of a civil penalty shall be deposited in the general
27 fund of the state fish and game protection fund.

28 Sec. 3. Section 481A.131, subsection 2, Code 2016, is
29 amended to read as follows:

30 2. Any liquidated damages assessed under **this section** and
31 section 481A.130 shall be paid to the clerk of court. The
32 clerk of court shall remit the damages paid to the ~~department~~
33 ~~of natural resources. The department of natural resources~~
34 ~~shall credit such damages to the state fish and game protection~~
35 ~~fund~~ treasurer of state, who shall place the money in the

1 general fund of the state.

2 Sec. 4. Section 481A.151, subsection 4, Code 2016, is
3 amended to read as follows:

4 4. Moneys collected by the department in restitution shall
5 be deposited into the general fund of the state ~~fish and game~~
6 ~~protection fund. The moneys shall be used exclusively to~~
7 ~~support restoration or improvement of fisheries, including but~~
8 ~~not limited to aquatic habitat improvement projects as provided~~
9 ~~in rules adopted by the commission. However, moneys collected~~
10 ~~from restitution paid for investigative costs shall be used as~~
11 ~~determined by the director.~~

12 Sec. 5. Section 483A.33, subsection 5, paragraph a, Code
13 2016, is amended to read as follows:

14 a. Upon a finding by the court that the property is
15 condemnable, the court shall enter an order transferring title
16 of the property to the state, and placed at the disposal of
17 the director, who may use or sell the property, ~~depositing~~
18 forwarding the proceeds of the sale to the treasurer of state,
19 who shall place the money in the general fund of the state ~~fish~~
20 ~~and game protection fund.~~

21 Sec. 6. Section 484C.13, subsection 2, Code 2016, is amended
22 to read as follows:

23 2. A landowner who keeps preserve whitetail and who fails to
24 register with the department as required in [section 484C.7](#) is
25 subject to a civil penalty of not more than two thousand five
26 hundred dollars. The civil penalty shall be deposited in the
27 general fund of the state ~~fish and game protection fund.~~

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill requires that certain civil penalties assessed
32 for violations of statutes enforced by the department of
33 natural resources be deposited in the general fund of the state
34 instead of in the state fish and game protection fund. The
35 penalties relate to violations concerning expired registration

1 of a boat; prohibited remote control or internet hunting;
2 liquidated damages assessed for unlawfully taking, catching,
3 killing, injuring, destroying, or possessing any fish, game,
4 or fur-bearing animal; damages for water pollution causing
5 injury to a wild animal; proceeds from the sale of property
6 used to violate the state's fish and game laws; and fines
7 for failure to register when keeping preserve whitetail on a
8 hunting preserve.