

**Senate File 2020 - Introduced**

SENATE FILE 2020

BY McCOY

**A BILL FOR**

1 An Act relating to the harvesting of turtles and including  
2 penalties.

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

1 Section 1. Section 482.1, subsection 2, paragraphs d, f, g,  
2 h, and i, Code 2016, are amended to read as follows:

3 d. Prohibit, restrict, or regulate commercial fishing and  
4 ~~commercial turtle harvesting~~ in any waters of the state.

5 f. Regulate the numbers of commercial fishers and ~~commercial~~  
6 ~~turtle harvesters~~ and the amount, type, seasonal use, mesh  
7 size, construction and design, manner of use, and other  
8 criteria relating to the use of commercial gear for any body of  
9 water or part thereof.

10 g. Establish catch quotas, seasons, size limits, and other  
11 regulations for any species of commercial fish ~~or turtles~~ for  
12 any body of water or part thereof.

13 h. Designate by listing species as commercial fish ~~or~~  
14 ~~turtles~~.

15 i. Designate any body of water or its part as protected  
16 habitat and restrict, prohibit, or otherwise regulate the  
17 taking of commercial fish and ~~turtles~~ in protected habitat  
18 areas.

19 Sec. 2. Section 482.1, Code 2016, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 2A. The natural resource commission shall  
22 adopt rules pursuant to chapter 17A that prohibit commercial  
23 turtle harvesting in any waters of the state.

24 Sec. 3. Section 482.1, subsection 3, Code 2016, is amended  
25 to read as follows:

26 3. Employees of the department may lift and inspect any  
27 commercial gear at any time and may inspect commercial catches,  
28 commercial markets, and landings, and examine sale and purchase  
29 records of commercial fishers, ~~commercial turtle harvesters,~~  
30 commercial roe harvesters, ~~commercial turtle buyers,~~ and  
31 commercial roe buyers upon demand.

32 Sec. 4. Section 482.2, subsections 2, 3, 4, 5, and 8, Code  
33 2016, are amended to read as follows:

34 2. "*Commercial fish helper*" means a person who is licensed  
35 by the state to assist a commercial fisher or a commercial roe

1 harvester in operating commercial gear or in taking, attempting  
2 to take, possessing, or transporting commercial fish, roe  
3 species, or roe, ~~or turtles~~.

4 3. "*Commercial fisher*" means a person who is licensed by  
5 the state to take, attempt to take, possess, transport, sell,  
6 barter, or trade ~~turtles or turtle eggs~~, commercial fish except  
7 roe species, or fish parts except roe.

8 4. "*Commercial fishing*" means taking, attempting to take,  
9 possessing, or transporting of commercial fish ~~or turtles~~  
10 for the purpose of selling, bartering, trading, offering, or  
11 exposing for sale.

12 5. "*Commercial gear*" means the capturing equipment used  
13 by commercial fishers, and commercial roe harvesters, ~~and~~  
14 ~~commercial turtle harvesters~~.

15 8. "*Commercial species*" means species of fish ~~and turtles~~  
16 which may be lawfully taken and sold by commercial fishers, and  
17 commercial roe harvesters, ~~and commercial turtle harvesters~~, as  
18 established by rule by the commission.

19 Sec. 5. Section 482.2, subsections 9, 10, and 12, Code 2016,  
20 are amended by striking the subsections.

21 Sec. 6. Section 482.4, subsection 3, Code 2016, is amended  
22 to read as follows:

23 3. Commercial fishers ~~and commercial turtle harvesters~~  
24 shall provide and affix weather-resistant gear tags to each  
25 piece of gear in use. Each weather-resistant gear tag shall  
26 plainly show the name, address, and commercial license number  
27 of the licensee ~~and whether the gear is fish or turtle gear~~.

28 Sec. 7. Section 482.4, subsection 4, paragraphs i, j, k, l,  
29 m, and n, Code 2016, are amended by striking the paragraphs.

30 Sec. 8. Section 482.4, subsection 5, unnumbered paragraph  
31 1, Code 2016, is amended to read as follows:

32 Commercial fish ~~and turtle~~ gear tags are required on the  
33 following units of commercial gear:

34 Sec. 9. Section 482.4, subsection 5, paragraph f, Code 2016,  
35 is amended by striking the paragraph.

1     Sec. 10. Section 482.5, Code 2016, is amended to read as  
2 follows:

3     **482.5 Commercial gear.**

4     It is lawful for a person who is legally licensed to harvest  
5 commercial fish ~~or commercial turtles~~ to use commercial gear of  
6 a design, construction, size, season, and all other criteria  
7 established by the commission for taking those species of fish  
8 ~~and turtles~~ designated by the commission by rule.

9     Sec. 11. Section 482.6, Code 2016, is amended to read as  
10 follows:

11     **482.6 Tagging of commercial gear.**

12     Each trotline shall have the tags affixed to one end. Each  
13 hoop net, slat net, and trap net, ~~and turtle trap~~ shall have  
14 the appropriate tag affixed to the end nearest the pot. Each  
15 gill net and each trammel net shall have the tags affixed to  
16 the float line nearest the shore stake, but when fished under  
17 ice, the tags shall be affixed to the float line nearest the  
18 take-out hole. Each seine shall have the tags affixed to one  
19 end.

20     Sec. 12. Section 482.7, Code 2016, is amended to read as  
21 follows:

22     **482.7 Gear attendance.**

23     1. A commercial fisher, ~~commercial turtle harvester,~~  
24 or commercial roe harvester licensee must be present when  
25 commercial gear is operated. A commercial fish helper ~~or~~  
26 ~~commercial turtle helper~~ shall not operate commercial gear  
27 except under the direct supervision of a commercial fisher,  
28 ~~commercial turtle harvester,~~ or commercial roe harvester. A  
29 ~~nonresident commercial turtle helper is licensed only to assist~~  
30 ~~a licensed nonresident commercial turtle harvester.~~ Commercial  
31 gear shall be lifted and emptied of catch as provided by the  
32 rules of the commission. Constant attendance by the commercial  
33 fisher of seines, trammel nets, and gill nets is required  
34 when the gear is fished by driving, drive-seining, seining,  
35 floating, or drifting methods. Officers of the commission may

1 grant a reasonable extension of gear attendance intervals only  
2 upon the request of a commercial fisher, ~~commercial turtle~~  
3 ~~harvester~~, or commercial roe harvester specifying why such an  
4 extension is necessary.

5 2. For the purposes of **this section**, "*direct supervision*"  
6 means that a commercial fisher, ~~commercial turtle harvester~~,  
7 or commercial roe harvester must be in the same boat, within  
8 hand-signal distance, or within vocal communication distance,  
9 without the help of any electronic or amplifying device, of  
10 the commercial fish helper ~~or commercial turtle helper~~ being  
11 supervised.

12 Sec. 13. Section 482.8, subsection 1, Code 2016, is amended  
13 to read as follows:

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

20 Sec. 14. Section 482.10, subsection 1, paragraphs a and b,  
21 Code 2016, are amended to read as follows:

22 a. A commercial fisher license is required to operate  
23 commercial gear and to take, attempt to take, possess, process,  
24 transport, or sell any commercial fish, ~~commercial turtles~~, ~~or~~  
25 ~~turtle eggs~~.

26 b. A commercial fish helper license is required to assist  
27 a commercial fisher or commercial roe harvester in operating  
28 commercial gear and in taking, attempting to take, possessing,  
29 or transporting commercial fish, roe species, or roe,  
30 ~~commercial turtles~~, ~~or turtle eggs~~. A commercial fish helper  
31 is not permitted to buy, sell, barter, or trade commercial  
32 fish, roe species, or roe, ~~commercial turtles~~, ~~or turtle eggs~~.  
33 A commercial fish helper license is not required for a person  
34 under sixteen years of age to assist a commercial fisher as  
35 provided in this paragraph "b".

1     Sec. 15. Section 482.10, subsection 2, Code 2016, is amended  
2 to read as follows:

3     2. All intrastate and interstate shipments of commercial  
4 fish, ~~turtles, turtle eggs,~~ or roe or roe species, must be  
5 accompanied by a receipt which shows the name and address of  
6 the seller, date of sale, and the species, numbers, and pounds  
7 of the fish, roe species, or roe, ~~turtles, or turtle eggs~~ being  
8 sold.

9     Sec. 16. Section 482.13, Code 2016, is amended to read as  
10 follows:

11     **482.13 Reciprocity for commercial fishing and ~~commercial~~**  
12 **~~turtle fishing.~~**

13     1. Reciprocal commercial fishing and ~~commercial turtle~~  
14 ~~fishing~~ privileges are contingent upon a grant of similar  
15 privileges by the appropriate state to residents of this state.

16     2. The commission may negotiate commercial reciprocity  
17 agreements with other states.

18     Sec. 17. Section 482.14, subsections 1 and 2, Code 2016, are  
19 amended to read as follows:

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

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

34     Sec. 18. Section 482.14, subsections 3 and 4, Code 2016, are  
35 amended by striking the subsections.

1 Sec. 19. Section 482.14, subsection 6, Code 2016, is amended  
2 to read as follows:

3 6. Facilities and records of commercial fish buyers,  
4 ~~commercial turtle buyers~~, commercial roe harvesters, and  
5 commercial roe buyers shall be open at all reasonable times for  
6 inspection by any conservation officer.

7 Sec. 20. Section 483A.28, subsection 2, Code 2016, is  
8 amended to read as follows:

9 2. A valid fishing license issued pursuant to **this chapter**  
10 entitles the licensee to take and possess a maximum of one  
11 hundred pounds of live turtles or fifty pounds of dressed  
12 turtles. Any unattended fishing gear used to take turtles  
13 pursuant to a fishing license shall be tagged with the name and  
14 address of the licensee on a weather-resistant tag provided  
15 by the licensee and affixed above the waterline. A fishing  
16 licensee is not permitted to sell, barter, or trade live or  
17 dressed turtles taken pursuant to the license. The commission  
18 shall provide, by rules adopted pursuant to chapter 17A, that  
19 turtles shall not be taken or possessed pursuant to a fishing  
20 license issued under this chapter during the period beginning  
21 January 1 and ending July 15, inclusive.

22 Sec. 21. REPEAL. Section 482.11, Code 2016, is repealed.

23 EXPLANATION

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

26 This bill relates to the harvesting of turtles and includes  
27 penalties.

28 The bill requires the natural resource commission to adopt  
29 rules that prohibit commercial turtle harvesting in any waters  
30 of the state. "Commercial turtle harvesting" means taking,  
31 attempting to take, possessing, or transporting of commercial  
32 turtles or turtle eggs for the purpose of selling, bartering,  
33 trading, offering, or exposing for sale. Code chapter 482 is  
34 amended to strike numerous provisions related to commercial  
35 harvesting of turtles. Code section 482.11, allowing a person

1 to commercially take, attempt to take, possess, transport, or  
2 sell turtles or turtle eggs pursuant to a commercial fishing  
3 license, is repealed. A person who unlawfully uses commercial  
4 gear to harvest turtles is subject to a scheduled fine of \$100.

5 The bill also requires the commission to provide, by rules,  
6 that turtles shall not be taken or possessed pursuant to a  
7 noncommercial fishing license during the period beginning  
8 January 1 and ending July 15, inclusive. A violation of this  
9 provision is punishable with a scheduled fine of \$25.