

House File 2362 - Introduced

HOUSE FILE 2362

BY ISENHART

A BILL FOR

1 An Act relating to the regulation of protected and endangered
2 species in counties and cities, and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.301, Code 2024, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 23. *a.* A county may adopt ordinances in
4 accordance with section 331.307 to comply with the obligations,
5 policies, and procedures of the federal Migratory Bird
6 Treaty Act, the federal Endangered Species Act, and chapter
7 481B, which ordinances shall include but not be limited to
8 prohibitions against incidental take of migratory birds.

9 *b.* Moneys collected from civil penalties assessed under
10 an ordinance adopted pursuant to this subsection shall be
11 used for development and implementation of a plan supporting
12 the protection and expansion of grassland, woodland, and
13 wetland wildlife habitat in the county. If the county has not
14 adopted such a plan, the moneys collected shall be deposited
15 in the general fund of the state and are appropriated to the
16 department of natural resources to advance goals set forth in
17 the Iowa wildlife action plan relating to migratory birds and
18 endangered species.

19 *c.* A county shall submit in writing any reports of alleged
20 violations of an ordinance adopted pursuant to this subsection
21 to the United States fish and wildlife service. The county
22 shall defer enforcement of a violation to the United States
23 fish and wildlife service if the United States fish and
24 wildlife service, within ninety days, indicates its intent to
25 enforce the violation.

26 Sec. 2. Section 364.3, Code 2024, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 18. *a.* A city may adopt ordinances in
29 accordance with section 331.307 to comply with the obligations,
30 policies, and procedures of the federal Migratory Bird
31 Treaty Act, the federal Endangered Species Act, and chapter
32 481B, which ordinances shall include but not be limited to
33 prohibitions against incidental take of migratory birds.

34 *b.* Moneys collected from civil penalties assessed under an
35 ordinance adopted pursuant to this subsection shall be used

1 for development and implementation of a plan supporting the
2 protection and expansion of grassland, woodland, and wetland
3 wildlife habitat in the city. If the city has not adopted such
4 a plan, the moneys collected shall be deposited in the general
5 fund of the state and are appropriated to the department of
6 natural resources to advance goals set forth in the Iowa
7 wildlife action plan relating to migratory birds and endangered
8 species.

9 c. A city shall submit in writing any reports of alleged
10 violations of an ordinance adopted pursuant to this subsection
11 to the United States fish and wildlife service. The city shall
12 defer enforcement of a violation to the United States fish
13 and wildlife service if the United States fish and wildlife
14 service, within ninety days, indicates its intent to enforce
15 the violation.

16 EXPLANATION

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

19 This bill relates to county and city enforcement of the
20 federal Migratory Bird Treaty Act, the federal Endangered
21 Species Act, and Code chapter 481B. The bill provides that
22 counties and cities may adopt ordinances to comply with the
23 obligations, policies, and procedures of the federal Migratory
24 Bird Treaty Act, the federal Endangered Species Act, and Code
25 chapter 481B (endangered plants and wildlife). The bill
26 directs that the moneys from civil penalties due to a violation
27 of an ordinance adopted pursuant to the bill be utilized by
28 the county or city to protect wildlife habitat in the county
29 or city or deposited in the general fund of the state and
30 appropriated to the department of natural resources to advance
31 goals set forth in the Iowa wildlife action plan relating to
32 migratory birds and endangered species. A county or city shall
33 defer enforcement of a violation to the United States fish and
34 wildlife service (USFWS) if USFWS, within 90 days, indicates
35 its intent to pursue enforcement of a violation reported from

H.F. 2362

1 the county or city.